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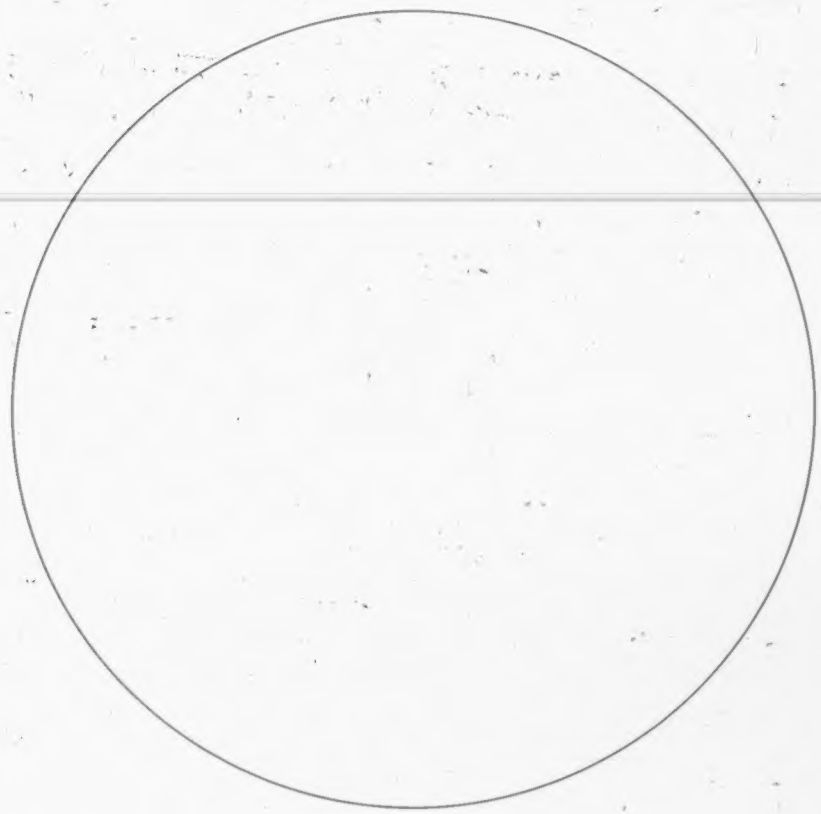

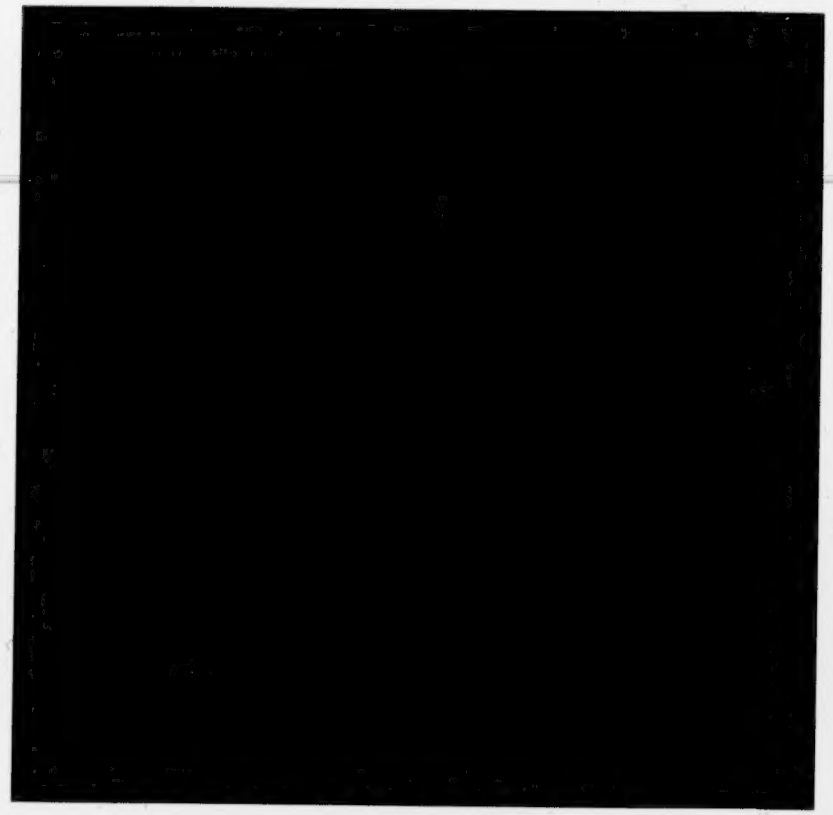

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 386

CHEROKEE FREEDMEN R853 - R872

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher Fr R 853

Trans. from Cher Fr D 253

Cher Fr R 853

A. J. D. 253.

Mellette & Smith, attorneys for applicant

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 10th 1901.

In the matter of the application of Elias Lyons for the enrollment of himself and one child as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Elias Lyons.
Q How old are you? A. 35.
Q What is your post office address? A. Ketchum.
Q What district is that in? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself and one child.
Q What is the name of that child? A. Nelson J.Lyons.
Q How old is he? A. 4 years old.
Q Are you married? A. Yes sir.
Q Is your wife a citizen? A. Yes sir.
Q Has she been enrolled? A. No sir.
Q Why dont you apply for her then? A. No sir.
Q Are you living with her? A. Yes sir.
Q Why dont you apply for her? A. I am not ready yet with her witnesses.
Q Have you been recognized by the Cherokee authorities as a freedman? A I drawed.
Q Is your name on the roll of 1880? A. Not as I know of.
Q Is your name on the Kerns Clifton roll? A. Yes sir.
Q What is your wifes name? A. Martha Roe.
Q Have you a certificate of your marriage? A. Yes sir.

The applicant presents a marriage license and certificate of marriage certifying that he was married according to the laws of the United States to one Martha Roe on the 4th day of September, 1897,

Q Are you living with her now? A. Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 116, No. 2879, Elias Lyons, (District unknown)

The 1880 authenticated roll and the 1896 census roll of the Cherokee Nation both examined and the name of the applicant not found on either.

Q Is this child for whom you apply, living and living with you now? A Yes sir.

By Edgar Smith, attorney for the applicant:

Q Are you a brother of Ned Lyons? A. Yes sir.
Q Also of Rachel Landrum? A. Yes sir.
Q Who is your father? A. Ueff Lyons.
Q How long has he been dead? A. About 14 years.
Q How old are you? A. About 35.
Q You dont know your exact age do you? A. No sir, not exactly.
Q Do you remember when your father died? A. Yes sir.

By W. W. Hastings, attorney for the Cherokee Nation:

Q Was there ever an other Jeff Lyons in that district that you know of?
A Not that I knows of.
Q Is your mother living? A. No sir.
Q When did she die? A. Over 30 years.
Q Did your father marry again? A. Yes sir.
Q He married under the Cherokee law the second time? A. I dont know.
Q What was the name of his second wife? A. Lou.
Q Dont you know her maiden name? A. Something like Lou or Louisa.
Q Was it Martin, Roe or Ross or what? A. I dont know except Lou, she didn't live very long.
Q Do you know if she was a recognized citizen of the Cherokee Nation?
A I dont know.
Q You dont know if your father married her in accordance with the Cherokee law or not? A. No sir I dont know.
Q You know that your fathers rights were disputed,—that there was some question about it? A. Yes sir I knows they was disputed some.
Q You know that he went to Tahlequah about it? A. I dont know about that
Q You dont know of him going there when you was 5 or 6 years old?
No sir.
Q Never heard of that, never heard him say he had? A. No sir.
Q You never heard of any other Jeff Lyons in the Cherokee Nation did you?
A No sir.
Q You have always lived in the Cherokee Nation ever since you can remember? A. Yes sir.

By Com'r Needles,-

Elias Lyons applies for the enrollment of himself and one child, Nelson J., four years old; his name is not found on the authenticated roll of 1880, but he is found on the Kerns-Clifton roll and is identified thereby as the applicant. He avers that he was lawfully married to one Martha Roe and presents proof of marriage which is filed herewith; he avers that the result of said marriage is one child, Nelson J., and he makes satisfactory proof of the birth of said child. Reference is made to the testimony taken in the case of Ned Lyons, D. Card No. 251, and said testimony will be made a part of the record in this case. Consequently the said Elias Lyons and his child Nelson J., will be placed on a doubtful card as Cherokee Freedman to await the further consideration of the Commission, When the Commission arrives as a final decision in this case, the applicant will be notified by mail thereof.

+ + + + + + + + + + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 13th of May, 1901 at Vinita, I. T.

76 I.T. 383

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office Ketchum I.T.

District Delaware

1. Name Elias Lyons Age 35

Owner's name Citizenship

Year R.C. Page 116 No. 2879 District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife ~~Louisa~~ Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

1. Nelson J. Lyons Year Page No. Dist. 24
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist
9. Year Page No. Dist.
10. ~~Louisa~~ Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No. 1 Stenographer Chas. von Weise

2 affs of birth required.

X Ref. B 2 57

Mellette and Smith attys for applicants.

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 9 day of November 1897, at ..... M., and duly recorded in Book 7, Marriage Record, Page 179.

WITNESS my hand and seal of said Court at Vinita, in said Territory, this 9th day of November A.D. 1897.

Jas A Winston. Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 30 1901
ACTING CHAIRMAN

N. D. 22

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, JAMES A WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 9 day of December 1897, at M., and duly recorded in Book F, Marriage Record, Page 1[illegible]

WITNESS my hand and seal of said Court at Vinita, in said Territory, this 11 day of November A.D. 1897.

Jas A Winston. Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
1901
ACTING CHAIRMAN

FILED

NOV 9 1897

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

No. 369

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr Elias Lyons of Vinita in the Indian Territory, aged 30 years, and Miss Minnie Lowe of Vinita in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 30th day of August A.D. 1897.

Geo W Weaston
Clerk of the U.S. Court.

By E Cleveland Deputy

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, J. E. Allen a Minister of the Gospel, DO HEREBY CERTIFY, that on the 4th day of Sept A.D. 1897, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 4th day of September A.D. 1897.

[illegible]

J E Allen
A Minister of the Gospel

COPY.

D CHEROKEE FREEDMAN A-253

D 283

IN RE

Application for Enrollment of

INFANT CHILD

Nelson J. Lyons

as a citizen of

Cherokee Nation

Approved MAY 10 1901 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
CIVILIZED TRIBES
F I L E D
MAY 10 1901.

Tams Bixby
Acting Chairman

COPY.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nelson J. Lyons (Here insert name of child.), born on the 8th day of Jan, 1897

Name of Father: Elias Lyons a citizen of the Cherokee Nation.

Name of Mother: Martha Lyons a citizen of the Cherokee Nation.

Postoffice Ketchum, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Martha Lyons, on oath state that I am 23 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of Elias Lyons, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 8th day of Jan, 1897; that said child has been named Nelson J. Lyons, and is now living.

(S E A L) Martha Lyons

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4th day of May, 190 1.

(S E A L) G. F. Bailey

My com. Exp. April 15, 1903 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Jennie Downing, a midwife, on oath state that I attended on Mrs. Martha Lyons, wife of Elias Lyons on the 8th day of Jan, 897; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Nelson J. Lyons

her
Jennie X Downing
mark

WITNESSES TO MARK:

(Must be Two Witnesses.)
Samuel Landrum
Elias Lyons

Subscribed and sworn to before me this 4th day of May, 190 1.

(S E A L) G. F. Bailey

Notary Public.

CHEROKEE COPY ENROLLMENT D 253

20

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation

[illegible] 190

[illegible]

Commissioner

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Nelson J. Lyons (Here insert name of child.), born on the 8th day of Jan, 1877.

Name of Father: Elias Lyons a citizen of the Cherokee Nation.

Name of Mother: Martha Lyons a citizen of the Cherokee Nation.

Postoffice Ketchum, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Martha Lyons, on oath state that I am 23 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of Elias Lyons, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 8th day of Jan, 1877; that said child has been named Nelson J. Lyons, and is now living.

WITNESSES TO MARK: Martha Lyons

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4th day of May, 190[illegible]

(SEAL) G. F. Bailey

My Com. Exp. April 15, 1904 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Jennie Downing, a midwife, on oath state that I attended on Mrs. Martha Lyons, wife of Elias Lyons on the 8th day of Jan, 1897; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Nelson J. Lyons.

Jennie her F. Downing mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Samuel [illegible]

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 190[illegible]

( ) G. F. Bailey Notary Public.

Mr. Bartlett: (to witness): The mother of Mrs. Lyons and Mrs. Another sister, who was married to Mr., died before 1880, didn't she?

A I don't remember whether she did or not.

Q You know she died? A Yes, sir, she died.

Q Left Mrs. married a sister's second time, a recognized sister?

A Let me see, I don't remember but he married the last time to that woman, the mother of these children died.

Q You don't know whether his second wife was a recognized sister?

A Yes, sir; I guess so.

Q Did she die before left Ark, his second wife? A I forget whether he married any more or not: he was a widower when he died.

****

Mrs. A. Jones, being duly sworn, says that she is a stenographer to the commission to the five civilized tribes; he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 24th day of Jan, 1901.

Commissioner.

Supplemental Elias Lyons D-253.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 11, 1901.

In the matter of the application of Ned Lyons for enrollment as a Cherokee Freedman.
In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman.
In the matter of the application of Elias Lyons for enrollment as a Cherokee Freedman.

Supplemental testimony.
Both applicant and Cherokee Nation present
by their attorneys of record.

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Allen Lynch.
Q You testified here yesterday in the case of Ned Lyons, did you?
A Yes, sir.
Q You spoke of having acted as administrator on the estate of the father of Ned Lyons, who was Jefferson Lyons; I will ask you to look at that paper (hands witness paper). A I think this is what you want.
Q Look at this paper (hands witness paper). A I can't read that writing.
Q Where did you get these papers? A I got some of them from Joe Ward
Q Who was Joe Ward? A He was the Judge.
Q Judge of what? A Judge of Delaware district, District Judge.
Q In the Cherokee Nation? A Yes, sir, certified I think by Tom Buffington when he was Judge, one of them from the Agent.

Mr. Smith: Now if the Court pleases, I desire to offer Letters of Administration issued on the first day of October, 1888, by J. L. Ward, Judge of the District Court of the Delaware District of the Cherokee Nation, letters of administration to Allen Lynch as administrator of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony because the same is not duly attested, does not bear the attest or the signature of the Clerk of the District, nor does it have his seal.

Commissioner: It will be filed.

Mr. Smith: Mr. Lynch, was the Jeff Lyons whose estate you testified that you administered, related to Ned Lyons in whose case you testified yesterday? A His father.

Mr. Smith: I desire to offer the report of Allen Lynch as administrator of the estate of Jeff Lyons, which was approved—

Mr. Hastings: The report will show for itself; don't give the contents in the filing.

Mr. Smith: I just submit it then.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to what purports to be a report, first for the reason that it is not a certified copy of the report; second, that it bears neither attestation or any official seal; third, it is not shown that the witness is the custodian of the official records of the Delaware district; and fourth, it is not shown that the records are lost; and lastly, that the record is the best testimony and this does not purport to be a copy of the record. I don't see how there can be any excuse for offering that last, because he don't claim to be the custodian of that, and it is just a flf leaf with mark-

ing on it.

Mr. Smith: I am not offering all my proof at this time, I will come to that later.

Mr. Hastings: I mean this, and I think that ought not to be allowed filed.

Mr. Smith: I will prove before I get through with it that that report was approved by T. M. Buffington, Judge, in the matter of the administration of the estate of this applicant's father, and it is not a certified copy because it is the original and signed by T. M. Buffington.

Mr. Smith: Now I offer an order of Court in the matter of the administration of Ned Lyons, signed by Jl L. Ward, District Judge.

Commissioner: Is there any contention that this man here was the administrator?

Mr. ~~Xxxxxxxx~~ Smith: They objected yesterday on the ground that his statement was not the best evidence of the fadt.

Mr. Hastings: Comes now the attorneys for the Cherokee Nation and object to the piece of note paper upon which a few letters are written under date of May 7, 1889, claimed to be an order of Court, first, for the reason that it is not officially attested, there being no seal attached to the same; second, it is not shown that the records are lost or destroyed, and there has been no attempt to show the same in an official way, and third, it is not shown that this witness is the custodian of the official records.

Mr. Smith: Now I desire to ~~xxxx~~ offer a decision of the Indian Agent, Leo E. Bennett, located at Union Agency, dated Muskogee, June 15, 1889, in a matter pertaining to the administration of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony for the reason that the letter signed by Leo. E. Bennett, United States Indian Agent, has no relevency whatever in the matter in controversy.

Mr. Smith: Do you recollect Mr. Lynch with regard to the report of your expenses which I showed you, as to whether Mr. Buffington signed that; can you state whether he signed it or not, or do you remember?

Mr. Hastings: Objected to by the representatives of the Cherokee Nation for the reason that the record is the best testimony, and it must be first shown that the record is lost or destroyed before outside testimony will be permitted to prove the same.

Mr. Smith: If the Court pleases, this is the record itself; it hasn't been lost because we have it right here.

Commissioner: Well, he ought not to be custodian of the records.

Mr. Smith: Well, there are a great many things during the administration of the Cherokee Courts that I don't understand.

Commissioner: I suppose the records of the Cherokee Court ought to show the appointment of this man as administrator; they objected to the letters from the fact that they were not duly attested. I don't know whether the Cherokee Nation has been in the habit of attesting letters by seal, by a Clerk with a seal as they do in God's country. Well, let the testimony go in for what it is worth.

Mr. Smith: I would like to prove — I suppose I might ask if there is any gentleman here who knows Mr. Tom Buffington's signature. (To Mr. Hastings) You will admit this is T. M. Buffington's signature; of course you are both familiar with it.

Mr. Hastings: I think it is; that is his name anyway.

Mr. Hastings: (to witness): The mother of Ned Lyons and Elias and another sister, who are applicants here, died before 1880, didn't she?
A I don't remember whether she did or not.
Q You know she died? A Yes, sir, she died.
Q Jeff Lyons married a citizen a second time, a recognized citizen?
A Let me see, I don't remember but he married the last time to that woman, the mother of these children died.
Q You don't know whether his second wife was a recognized citizen; wasn't she? A Yes, sir, I guess so.
Q Did she die before Jeff did, his second wife? A I forget whether he married any more or not; he was a widower when he died.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 14th day of May, 1901.

Commissioner.

X
3 3 5 6

S U P P L E M E N T A L T E S T I M O N Y.

F.-D.#251.
F.-D.#253.
F.-D.#252.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 20th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ned Lyons, D.#251, Elias Lyons, D.#253, and Rachel Landrum, D.#252, as Cherokee Freedmen:

APPEARANCES:

Mr. Smith, of firm of Mellette & Smith, Attorneys for Applicants.
Mr. W. W. Hastings for the Cherokee Nation.

MR. HASTINGS: Comes now the Representatives of the Cherokee Nation and offer in testimony a certified copy of the records of the Executive Department of the Cherokee Nation, filed in case of Altha and Oscar Moore, D. #357, showing that Jefferson Lyons presented a petition and was granted a license to marry Lou Eza Buffington by R. T. Carey, Clerk of Delaware District on the 12th day of February, 1879.

MR. SMITH: Applicants object to the introducition of that testimony as not tending to prove any issue in this case, and for the further reason that it is not the best testimony.

ALLEN LYNCH, called as a witness on the part of the Cherokee Nation, sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Your name is Allen Lynch? A Yes, sir.
Q Post office? A Vinita.
Q What district do you live in? A In Delaware.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.

BY W. W. HASTINGS:

Q Did you know Jefferson Lyons during his life time? A Yes, sir.
Q He was the father of Elias? A Yes, sir.
Q Ned? A Yes, sir.
Q And Rachel Landrum? A Yes, sir.
Q Now, do you know when the mother of these three children I have just called died? A Well, about, yes, sir.
Q Well, about when? A I don't know whether I could tell you just exactly the time.
Q Well before '79? (No response.)
Q Who was Jeff Lyons' last wife? A You asked me that question before but I forgot; his last wife was Lou Eza Buffington, but I had forgotten it when you asked me before.
Q And he married her about '79? A Somewheres along about there.

---Good Done---

J. O. Fosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Fosson

Subscribed and sworn to before me this 21st day of May, 1901.

T. B. Needles

Commissioner.

F.D. 253

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 12 1901

NOTICE!

In the matter of the application of Elias Lyons for enrollment as a Cherokee Freedman.

Case No. D 253

To Elias Lyons, or Mellett & Smith Attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Chelsea Indian Territory, on the following dates, to-wit: JUN 12 1901 A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this JUN 4 1901 1901.

R. B. Bell
W. W. Hastings
J. J. Lavenport
Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District } s. s.

I do solemnly swear that I delivered a true copy of the within notice to Edgar Smith attorney on the JUN 4 day of 1901 A. D. 1901.

Frank Dade

Subscribed and sworn to before me this JUN 4 1901 1901.

J. C. Starr Notary Public.

D 253

RECEIVED
JAN 17 1911

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Elias Lyons et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony, May 10th, 1901, one copy of the supplementary testimony of May 11th, 1901 and one copy of the supplementary testimony of May 20th, 1901.

Mellette & Smith

Attorney for Applicants.

Cherokee F #D253.

[illegible] Gold Lake.

[illegible] Vancouver's mariners [illegible] the city of Victoria of [illegible] to look [illegible] Vancouver's [illegible] of the entire [illegible] of the [illegible] of the [illegible] of the

To be filed with the application of Eliza Lyons, C. F. D. #251.

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I. T. May,10,1901.

In the matter of the application of Ned Lyons for the enrollment of himself, his wife and four children as Cherokee freedmen. Ned Lyons, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Ned Lyons.
Q How old are you? A. 31.
Q What is your post office address? A. Hayden.
Q What district do you live in? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or Nation? A No sir.
Q Did you ever draw any money from any other tribe or nation? A. No sir
Q Who do you want to enroll besides yourself? A. My wife and family.
Q How much family? A. I have got four children.
Q What is the name of your wife? A. Nancy Landrum.
Q How old is she? A. She is 20 years old,no 21.
Q Give me the names of your children please? ADelsie.
Q How old is Delsie? A. She is 10 years old.
Q The next child? A. James Elmer.
Q How old is he? A. He is 4 years old.
Q Then next child? A. Mahaley.
Q How old is Mahaley? A. She is 3 years old.
Q The next one? A. Katie.
Q How old is Katie? A She is a little over a year.
Q What is your wife's father's name? A. John Landrum.
Q Is he living? A. Yes sir.
Q What is your wife's mother's name? A. Mary Landrum.
Q Is she living? A. Yes sir.
Q Does your name appear upon the authenticated roll of 1880? A. No sir
Q Does the name of your wife? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A It appears upon the Wallace and Clifton roll.

The 1880 authenticated roll of Cherokee freedmen examined and the ap plicant Ned Lyons not identified thereon.
The 1896 census roll of the Cherokee freedmen examined and the applicant Ned Lyons not identified thereon.
The Kern Clifton roll examined and the applicant Ned Lyons identified thereon,page 116,No.2878,no district given.
The Wallace roll examined and the applicant identified thereon page 160,No.42,as Ned Lyons;residence,Cherokee Nation.
The 1880 authenticated roll of the Cherokee Freedmen examined and the applicant Nancy Lyons identified thereon,page 131 No. 1690, Cooweescoowee district,as Nancy Landrum.

Q Is Nancy Landrum the mother od these children? A She is of all but one, and the oldest one's mother is Maria Landrum, of the same family
Q Is she living? A No sir she is dead.

The 1880 authenticated roll of Cherokee freedmen examined and the name of Mariah Landrum found thereon,page 131,No.1687, Cooweescoowee district.

Q Are John and Mary living,her father and mother? A. Yes sir.
Q Were you married before 1896 to Nancy? A Yes sir.

The 1896 census roll of Cherokee freedmen examined,and the applicant identified thereon as follows:
Nancy Lyons on page 409,No.898,Cooweescoowee district as Nancy Landrum.

Delsie Lyons not on 1896 roll.
The Kern Clifton roll examined, and the applicant, Delsie Lyons, identified thereon, page 6, No.151, Cooweescoowee district, as Delsie Lyons

Q How long had your wife lived in the Cherokee Nation? A. All her days
Q Born and raised in the Cherokee Nation? A., Yes sir.
Q Are these children living? A. Yes sir, all living I gave you in, I have got one dead.

By Edgar Smith, attorney for applicant-

Q Who was your father? A. Jeff Ross.
Q Who was your mother? A. Mahaley Daniels before she married him.
Q Who owned your father? A. Lewis Ross.
Q How old are you? A. I am 31 years old.
Q Where do you live? A. I live in Cooweescoowee district near Hayden postoffice.
Q How long have you lived in the Cooweescoowee district? A I have lived there about five or six years.
Q Where did you live before you lived in Cooweescoowee district? A. A Lived on Grand river near Bowling Ferry, where I was born at.
Q How long have you lived in the Cherokee Nation? A. I was born here, don't know nowhere else.
Q Have you any property in the Cherokee Nation? A. Yes sir I have a couple of farms west of here in Cooweescoowee.
Q How long have you had either one of them; how long since you acquired the first one? A Since 1896; I moved from Grand river in 1896 where I lived with my first wife, I lived on my fathers place then.
Q You are on the Kern Clifton roll? A Yes sir.

By W. W. Hastings-Cherokee attorney :

Q Are you on the Wallace roll? A Yes sir.

Note opposite name of applicant on Wallace roll: " Though born and raised in Cherokee Nation, no evidence that they are children of Cherokee freedmen."

Q Have you always lived in the Cherokee Nation? A. Yes sir, always lived here.
Q Never lived out? A. Never lived out.

ALLEN LYNCH being duly sworn by Commisioner Needles, testified as follows:

By Mr. Smith-

Q State your name? A. Allen Lynch.
Q Where do you live? A I live here in Vinita now
Q Do you know Ned Lyons? A. Yes sir.
Q How long have you known him? A. I knowed him ever since he was born.
Q Who was his father? A. Jeff Lyons.
Q Did you know his in his life time? A. Yes sir.
Q Do you know whether he was a Cherokee slave or not; slave of a Cherokee? A. Yes sir.
Q To whom did he belong? A. Lewis Ross.
Q Was Lewis Ross a citizen of the Cherokee Nation? A. Yes sir a citizen
Q Do you know what became of Ross during the war, whether he left the Cherokee Nation or remained here, Jeff Ross? A. Jeff Lyons they called him, I don't know
Q What do you say about Jeff, did he leave or not? A. Yes sir.

Q When did he come back? A He came back just before Christmas,in the winter of '66
Q Did you see him here at that time? A. Yes sir he lived right in the yard with us.
Q With whom? A With me and Andy Fry and Aaron,four or five families lived there.
Q Are you a citizen of theCherokee Nation? A Yes sir.
Q Are you on the 1880 roll? A. Yes sir.
Q Recognized by the Cherokee Nation as a citizen? A. Yes sir.
Q Have you ever had anything to do with this young man Ned Lyons in the courts of the Cherokee Nation? A Yes sir.
Q What? A. Why, I was appointed as administrator of old man Lyons estate for these children .
Q You were appointed administrator? A. Yes sir, by judge Ward.
Q Who was judge Ward? A. Joe Ward.
Q What was he? A. A He was the judge and he appointed me as administrator over the estate of Jeff Lyons.
Q Of the estate of Jeff Lyons? A Yes sir.
Q Who was the father of Ned Lyons? A Yes sir.
Q When was that? A. I just cant tell you exactly the year.
Q Did you wind up the estate? A. Yes sir.
Q About how long ago was that been as well as you remember?

Mr Hastings—
" Comes now the representatives of the Cherokee Nation and object to pursuing this line of ~~testim~~ investigation any further, because the record in any court is certainly the best testimony. I allowed a part of it to be gone in,I didn't have any idea it would be gone into at any length. "

Commissioner:
" There is no doubt but what the record is the best testimony, and the testimony cannot be used without it can be established the records are lost or cannot be procured.

Q In what court was this; where did judge Ward keep his court? A Delaware district, east of Grand river.

By Hastings—

Al, you remember everybody that came back in '66? A No not exactly, no sir.
Q Your memory is fresh of 35 years ago, know just the exact time all colored people came to your neighborhood? A. No , not the exact time, no sir.
Q You remember all these years that stand out there? A. Well, I can tell you why I remember this.
Q Why is it you remember it? A. Well, let me tell you; he came here before Christmas in '66, and in January, '67, he went back to Kansas and got a lot of goods for old Bob Daniels, and old Bob Daniels gave him a twenty dollar gold piece,the first I seen since the war, for going after them goods.
Q Where was Bob Daniels keeping his store;where was he? A He was keeping his family.
Q Where was Bob Daniels living at that time? A At his place,he came down on his place and got Jeff to go back to Kansas for these goods.
Q Where did Bob come from? A. Came from Texas
Q When did Bob come up here from Texas? A. He came up there,if I recollect right, sometime in January.
Q Of what year? A. In '67.

Q And during that month, you think it was, that Daniels hired Jeff to go back for a load of goods? A. About that time he hirled Jeff to go.
Q Do you know what load of goods consisted of ? A. Yes sir,it was bacon and flour and Hungarian seed.
Q Tahe Bob Daniels team? A Took his own team.
Q Lyons own team? A. Yes sir.
Q Did he have his wife with him when he came to your place in '66?
Q Had his wife and left her here and I got wood for her when he was g one.
Q Did he live there the year of '67? A Yes sir, and raised a crop; he put in his corn in June,'67; he didn't get his corn planted till them
Q On the old Dr. Thompson place? A. Yes sr.
Q How many of your fellows made a cropt there on that place? A. I was n't making a crip there at all.
Q How many others of them feollows? A Andy Fry,Jeff Lyons,Mose Hodrick, Tom Moore and old uncle Butler McNair.
Q How much was in cultivation on that place? A. They cleaned up about five or six acres a piece.
Q And all of them was making a crops right there? A. Yes sir.
Q And you swear positively Jeff Lyons was there on Christmas of '66? A To my best recollection he came there before Christmas,I don't know positively
Q You know they were there on Christmas of '66? A They were there before Christmas, or just about Christmas,and he left from there in January and went back to Kansas.
Q He only made a trip up thereand back? A. He made two trips,made one trip for Bob Daniels and one trip for himself.
Q With the exception of short trips up there and back he was down in that country from Christmas of 1866 on? A. Yes sir, that is the best of my recollection.
Q Are you positive about it? A I am telling you the best I can recollect about it.
Q I want to know if you can remember that is the yeat of '66 or '67? A The year of '67 to my judgment.
Q Was this child born then? A. This Ned, no sir.
Q Did he have any children at all? A Yes sir, he had a cild Elias, that was a baby,and he had one girl there called Anarchy,and he had this Mike Moore, that is his stepson,and this Anarchy was his stepdaughter,and the boy Elias was a baby.
Q When he came there about Christmas? A When he came there,yes sir.
Q Did he live in the house with you? A. He lived in Dr.Thompson's house and he was living in Dr. Thompson's nigger houses.
Q Some small houses atound there, log houses? A. No sir, little brick houses.
Q How far was George Clark living from there at the time? A. Geroeg Clark lived between four and five miles.

Mr Smith-

Q Have you the letters of administration issued to you by that court? A Yes sir,I think so, I think I have at home.
Q If you can find them, will you bring them here to-morrow? A. Yes sir

ANDY FRY,being duly sworn by Commissioner Needles, testified as follows:

By Mr. Smith-

Q State your name? A. Andy Fry.

Q How old are you? A. 66.
Q Where do you live? A. I live southeast of Vinita about 18 miles on the Grand river.
Q Are you a freedman? A. Yes sir.
Q So recognized by the Cherokee Nation? A. Yes sir
Q Are you one the 1880 roll? A. I guess I am, I have never looked but then I guess I am on that roll.
Q How long have you lived in the Cherokee Nation? A All my days until I went to Kansas during the war.
Q Do you know Ned Lyons? A Yes sir.
Q Do you know his brother Elias? A Yes sir.
Q Do you know his sister Rachel Lyons? A Yessir.
Q Who was his father? A. Jeff Lyons.
Q Who was their mother? A Their mother was; I most forgot her name; I know it as well as I know any woman.
Q You don't remember her just now? A I cant remember her name just now, but I know her just as well as anybody.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Where did he live when the war came up? A He lived with Dr. Ross.
Q Was he a slave of some Cheroke? A. Yes sir.
Q Of who? A. He went from Lewis Ross to Dr. Ross and lived with Dr.Ross
Q Were the Rosses Cherokee citizens? A. Yes sir.
Q Do you know what became of Lyons during the war,whether he went out of the Cherokee Nation or not? A. Yes sir he went up north.
Q Do you know when he came back? A. He came back in '66,the winter of '66.
Q About where did he come to? A. He came up on Russell creek and stopped up there a while and then he came down on Cabbin creek and staid there a while and he heard of me being over on the other side of the river and he come to the river and hollered over and when I went to the river it was Lyons, a man I had knowed.
Q Was that before or after Christmas,in '66? A It was before Christmas
Q This boy Ned Lyons, do you know where he was born? A. Yes sir,I know where he was born.
Q Where was he born? A. Born there at Dr. Thompson's place.
Q Do you know of your own knowledge where his brother Elias was born? A He was born at Ibla,Kansas.
Q Do you know where Rachel was born? A. She was born this side of the river, right below Dr. Thompson's place.
Q Was she born before or after the war? A. Rachel was born since the war
Q Was Elias born before or after or during the war? A. He was born abut during the war or just about the close of the war.
Q Where have these three children of Lyons been living since you first knew them? A. Well they lived near the riverthere all the while the old man lived,and one of them moved out west,I think one of them is living over there now, I think maybe a couple of them.
Q In or out of the Cherokee Nation? A. No, they have been living in the Cherokee Nation all the time.

By Hastings-

Q What place on Russel creek did Jeff Lyons first come to? A He staid up there this side of Chetopa.
Q Did he live there a while? A Yes sir he staid up there a while in camps.
Q Who with? A. In camps up there by himself, just him and his family on Russell creek somewhere, around there towards that old timbered hill somewhere.
Q You dont know how long he staid there? A. I think he told me he staid up there about three weeks.
Q And he went from there to Cabbin creek? A. Yes sir and he was there in camps about three weeks.
Q In tents? A. Yes sir, in tents

Q Anybody live up on Cabbin creek where he was camping? A. Wasn't anybody at all there at the time.
Q Came on down to your place then? A Yes sir.
Q You were on the other side of the river? A Yes sir.
Q You helped him across? A. Yes sir.
Q Did he make a crop with you the next year? the year of '67? A Yes sir
Q Was Jess Cochran living there that year? A Jess Cochran was living there but he moved out on Cabbin creek.
Q George Clark was living down there? A. He was living down on the other side of the river somewhere, but I never seen George Clark till '67.
Q How many colored people made crops on that one place that year? A. There was me and Jeff and Tom Morre and Butler McNair and Mose Hodrick.
Q Now you know Mose Hodrick didn't come there for two years, don't you? A. He came there and made a crop there.
Q That year? A. He came and made a crop in '67.
Q They had Jeff cited down at Tahlequah to appear before Bob Daniels Court, didn't they? A. I don't know sir.
Q This same Bob Daniels you heard Allen Lynch testifying about? A. Yes, sir.
Q And Bob Daniels was the Cheif Justice of that court down there? A Yes sir.
Q In 71? A Yes sir.
Q And you know Jeff Lyons and his family were cited down there and Jeff did go down there to Tahlequah in '71? A I don't know whether he did or not.
Q I ask you if he went to Tahlequah? A. I dont know whether he did or not; I was living on this side of the river.

Mr. Smith:" I object to this testimony without the production of the records.

Q Did he go to Tahlequah? A I dont know sir, I never paid any attention to them Court cases, I was recognized by the Cherokee Nation at that time and never paid no attention to it.
Q You never paid any attention to 71 but you did to '66? A In '66 I was all right myself and I didn't pay no attention to that myself.
Q You were not a witness at Tahlequah in '71? A. No sir, if I had been called on I would have went, but nobody didn't call on me.
Q Do you know any other Jefferson Lyons among the colored people? A No sir.
Q You are pretty well acquainted among them? A. Yes sir, I am pretty well acquainted among them.
Q This Bob Daniels that lived out here was the same Bob Daniels, a member of that Court at that time? A. Yes sir.

Mr Smith-

Q Do you know anything of your own personal knowledge as to whether Jeff Ross estate was administered on in the Cherokee Courts or not, or Jeff Lyons? A No sir, I dont know for certain but I heard so, I can't swear it for certain, I heard it was.

ANDERSON LYONH, being dult sworn by Commisioner Needles, testified as follows:

By Smith-

Q What is your name? A. Anderson Lynch.
Q How old are you? A. About 64 I think, as near as I known.
Q What is your post office? A. Here at Vinita.
Q Are you sometimes called Crap or Crep Lynch? A. Yes sir.
Q But that is not right, it is Anderson? A. Anderson, yes sir.
Q Do you know Ned Lyons? A. Yes sir.

Q Do you know his sister Rachel ? A Yes sir.
Q Is her name Rachel Lyons,or is she married? A She was named Rachel Lyons when I knew her, she was married a Landrum.
Q Her name is Rachel Landrum then is it? .(No answer)
Q Do you know Ned Lyons brother Elias? A. Yes sir.
Q Did you know their father? A. Yes sir.
Q Who was their father? A. Jeff Lyons.
Q Was he a slave during the war? A. Yes sir.
Q Who did he belong to? A. He belonged to Lewis Ross when I knew him.
Q Was Lewis Ross a Cherokee and a citizen of the Nation? A Yes sir
Q Do you know what became ofmJeff Lyons during the war, whether he staid in the Cherokee Nation or went out? A. He went out,went to Kansas
Q Do you know whether he came back or not? A. Yes sir I saw him back here.
Q When did you first see him back? A. It was in—it was along in the fall of '66 as well as I can remember about it, it was along in the winter,I dont know just exactly what time it was.
Q Where have these children, Ned, Elias, and Rachel lived? A. They lived over there just below the Dr. Thompson place, at a farm over there
Q In the Cherokee Nation? A. Yes sir.
Q Lived there all their lives? A. Yes sir, as was told not long ago I heard of some of them going out west.
Q Where did they go when they went west, as far as Grand river? A. Oh yes,or maybe a littlefarther, somewhere outon the creeks.
Q Did they still stay in the Cherokee Nation or did they go out? A Yes,they were in the Cherokee nation out there.
Q Do you know when Jeff Lyons died? A. Yes sir I was over there directly after he died, but I dont remember just when.
Q Where did he die? A. Right on his place at home.
Q About how many years ago? A. I disremember, I never kept track of it
Q Do you know whether his estatewas administered on in the Cherokee courts or not? A. No sir, I dont know whether he was or not, whether he ever went down there.

By Hastings—

Q Did he die less than 20 years ago, Crap? Jeff Lyons die less than 20 years ago or more than 20 years ago? A I dont think it has been quite that long.
Q You saw him in '66? A. Yes sir long in the winter of '66,
Q You dont know one year from another,do you? A. Yes I know.
Q Wht year is this? A. This, I dont know just what, I never kept track of the years, but '66 is all I know.
Q You have just been told it was '66 and you stuck to it? A Well '66 we were all on trial at that time prety much,in '66 everybody was making back home.
Q You were all tried here before the Kern Clifton Commission,everybody? A Well a good many of them.
Q What year was that in? A. You are too hard for it, I never kept track of the years.
Q Fact of the business is you never kept track of any of them? A Not hardly,never paid much attention to it, went along on my business.
Q Who told you to say '66 here today? A Nobody,but I know what '66 was years ago.
Q How many years ago was it? A. I disremember, I didn't kept track of it.
Q You cant count? A. No,sir,can't count.
Q And dont know anything about the years of the calendar? A Dont know a thing about it.
Q You remember about Jeff Lyons having his case tried down at Tahlequah a few years after the war when Mr Bob Daniels was on the Court? A I dnt know whether he went over there or not.
Q You dont remember about that? A. No sir, seems like to me a lot of them went down there but I dont k[illegible] he was alone there or not.

Q Weren't you over there in the same neighborhood around with him? A I lived on Lynchs Prairie and they lived back on Dr.Thompson'splace.
Q Where did you live in the first year after the war did you make a farm on this Dr. Thompson place? A. No sir, no sir, I lived on the old Lynch place, me and Lon Lynch and Stephen Henry rented from Lon Lynch and uncle Bill Buffington, he lived over there by the Mills on Beatty's Prairie, I expect you knew him.

Mr Smith-

Q When did you come back, or did you go out during the war? A. Yes sir I went out.
Q When did you come back? A. I can't back along in '65, the winter of '65
Q What was there about '66 that you are talking about all these being on trial, what do you mean by that? A. Well, there was everybody that was reading the papers out there that we had all better returne home that we had a show to get home, the war was ceased and so on.
Q When were you to get home, or did they read anything to you in the papers about that? A. Yes sir, they said we wanted to return inside of '66.
Q And that is the reason why you remember '66? A. Yes sir.

Mr. Hastings-

Q That is before you came when you were up in Kansas that they were reading that to you? A. Yes sir I first got hearing of it in Kansas.
Q You heard them saying that up there, reading it in the papers, telling you to come back? A. Yes sir, that we all got to return home
Q That was '66? A No it wasn't in '66, must have been along in '65 when they were reading it.
Q They were reading it in '65 before you returned, before you had come back in '65? A They just said return back home, the treaty wasn't made then.
Q Then they wasn't reading if it hdn't been made? A. They were reading for us to come back home, that the treaty was ceased.
Q If you came back in a certaine time? A. Yes sir a certain time.
Q That was in '65 before you came back here; you came here in '65? A Yes sir, along in the winter of '65
Q Has you ever been up before the courts for anything? A. What courts
Q Any of them; have ever have you arrested? A . No sir.
Q Never did? A. Yes, I have been arrested
Q For what? A. I was accused of murder once.
Q Ever arrested for anything else? A. No, nothing else.
Q Marshals or officers never had you any other time? A. No sir.

Mr.Hastings:
" Mr.Smith, I want to offer in evidence this judgment.

Mr. Smith: (reads same) " You can offer it, of course I object to it."

Mr Hastings: " The Representatives of the Cherokee Nation offer in testimony from pages 62 to pages 63 of Minutes of Special Court of Commission, Supreme Court, 1871, records of the Cherokee Nation, and on page 62 is found: " Monday morning, June 5, 1871. Court met; Chief Justice R. B. Daniels and Associate Redbird Sixkiller present. There being no cases ready for trial, Court adjourned till nine o'clock to-morrow morning. Tuesday morning, June 6, 1871." On this date, and on page 65 on the same book, appears the following: ~~On this date,~~ and

" Case of Jefferson Lyons and family. The Court decide from evidence they are debarrd the rights of Cherokee citizenship under the ~~treaty~~ Ninth Article of the Cherokee Treaty of July,1866. "

Mr Smith-

" Counself for the applicant objects upon the ground that the entry offered is insufficient to show any judgment in any form and for the further reason that the Jefferson Lyons referred to is not in any way identified with the Jefferson Lyons who was the father of the applicant, and for the further reason that the applicant is not in any manner shown even by the said entry to have been a party to the proceedings now offered.

Commissioner- " I suppose you acknowledge the authenticity of the record. "

Mr Smith- " I dont make any question about that. "

Commissioner- Ned Lyons applies for the enrollment of himself,his wife Nancy,and four children,Delsie,James E.,Mahaley and Katie. He avers that he was married to one Mariah Landrum, now deceased,and that be said marriage he had one child Delsie, and the nameof Mariah Landrum is found upon the authenticated roll of 1880,and the name of Delsieis found upon the Kern Clifton roll. He avers that after the death of his wife Mariah he married one Nancy Landrum, his present wife, and her name as Nancy Landrum is found upon the authenticated roll of 1880 and the census roll of 1896, and she is duly identified thereby. Said Ned Lyons and his wife Nancy and his children as enumerated herein are duly identified and make satisfactory proof of residence, consequently Nancy Lyons, wife of the applicant, and their four childrn as enumerated herein will be listed for enrollment as Cherokee Freedmen, In order to complete the enrollment of the three younger children,it will be necessary to file with the Commission satisfactory proof of their birth.

Said applicant Ned Lyons, will be listed as a Cherokee freedman upon a doubtful card, for the further consideration of the Commission. When the Commission arrives at a conclusion in his case, he will be notified as the same by mail. His name is found as stated upon the Kern Clifton pay roll,as well as upon the Wallace roll, and he is duly identified thereby.

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Bruce C. Jones being duly sworn,says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 13th of May,1901.

(signed) T. B. Needles,

Commissioner.

I,Charles von Weise, upon my oath state that the above is a full and complete copy of the original.

Subscribed and sworn to before me this 18th of July, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 24 1901

Before me, J. P. Hoggatt,
ACTING CHAIRMAN.

***

To be filed in the application of Elias Lyons, C.F.B.253.

SUPPLEMENTAL TESTIMONY.

F. B. #251.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June,12th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of NED LYONS as a Cherokee Freedman'

G.W.CLARK being called as a witness on the part of the Cherkee Nation and being duly sworn by Commissioner T. B. Needles, testified as follows-

APPEARANCES:
Messrs Mellette & Smith,for Applicant.
Mr. W. W. Hastings for Cherokee Nation.

By Mr. Hastings:

Q What is your name? A. G. W. Clark.
Q What is your age? A. 58 coming birthday.
Q Mr. Clark,you lived in the Cherokee Nation before the war,did you?
A Yes sir, all my life.
Q You went out of the Nation did you during the war? A. Oh,I was occasionally in Arkansas, on the Arkansas line.
Q You were in the Army? A. Yes sir, in and out of it.
Q In the Northern Army? A. Yes sir.
Q Where were you mustered out? A. Mustered out Fort Gibson.
Q Now, where did you live the first year after the war,1865? A I moved on the river;I lived here, my early days I lived at Tahlequah, Tahlequah district.
Q In '65 where did you live? A. The latter part of '65; I went back there after I was married; I was married in Saline district on Grand river, on the 8th day of June, and I moved up here and located on the west side of Grand river.
Q And where did you live in '66? A I made a cropt there in '66
Q Where did you live in '67? A In '67 I moved up the river from there; I moved there in the fall of '65 and left that place in the fall of '66.
Q Did you know a colored man who went by the name of Jeff Lyons or Jeff Ross? A Yes sir.
Q Did he have a son by the name of Ned? A. Yes sir.
QAnd another one by the name of Elias? A. Yes sir.
Q When did you first see him after the war? A. '68.
Q How far did he stay from you? A. He staid about two miles,two or three miles down on the river,about three miles.
Q Did you know him well? A. Yes sir,well acquainted with old Jeff.
Q Did you ever hire him? A. Yes sir, stacked wheat for me for years
Q You knew when he came back then? A. He came back in the spring of '68,because he stacked wheat for me that year,and he was talking about coming back.
Q You lived there for years afterwards? A. Yes sir.
Q You knew him well? A. Yes sir.
Q He is dead now I believe,isn't he? A. Yes sir.

By Mr. Smith-

Q About how old is Ned,about,now? A. Well, I dont know , he ought to be a young man now, pretty good sized,he was a boy like then.
Q Well how big a boy was he in '68? A. Well they was a small chunk

of a boy; I have been to his place, near there a many of a time and got him to work.
Q Which is the older, Ned or Elias? A. I dont know; I dont know as I know Elias
Q Did he have any girls? A. I think he had.
Q How many? A. I disremember, I know he had one; I dont know how many children he did have.
Q Well,can't you remember, you knew the family, how many members there were; cant you remember how many girls and boys there were? A I think there were four or five children.
Q You think there were more than this three? A. Yes sir.
Q You are not certain about that? A. No sir, I am not certain how many his family got to be.
Q He lived close to you and worked for you; what is the reason you c an't remember about how many he had? A I never mixed up with them; I just come to hire Jeff I never went there and mixed up with them; just like you do at my place I never noticed.
Q All you say about this is you cant tell which one is the biggest? A I dont know whether I could or not.
Q Cant you think which is the oldest Ned or Elias? No sir, I dont believe I could,that is long off.
Q Well you know all about exactly what you did? A. Not everything I do
Q I am not going to ask you about what you do; you keep up with your moves, you know the dates that you made them and all about them afterwards? A. No sir, I dont know the exact dates
Q With regard to your own business; you know about in regard to other people's; you dont remember that far back? A. No sir.
Q It is right hard to remember what other people were doing 35 or 36 years ago? A. Yes sir, it is pretty a pretty long swear anyway;but I remember this old gentleman as much as anything else;me and him trafficed together; he brought a good mule with him down there and I swapped him a cow and kin a swindled him.
Q How much do youthink you got away with him on that? A I dont know.
Q Well, now,Judge, if anything you may have heard about Jeff Lyons coming back after the war; you dont know when he came back? A Yes sir, I know he come back to the neighborhood and he said.
Q Well outside of what he said,you dont know when he came back to the Cherokee Nation? A No sir.
Q You saw him first in 1868? A Yes sir.
Q You cant say of your own personal knowledge how long Jefferson Lyons had been back in the ~~neighborhood and he said~~ Cherokee Nation at the time you saw him in '68 can you? A I dont know exactly how to answer that.
Q You know what your personal knowledge is confined to? A Well it is just like you, Mr. Smith, I know when you came to Vinita, if you lived anywhere around Vinita,before that, I don't know.

By Mr. Hastings-

Q Now, Mr. Clark, I was going to ask you if you were telling the members of his family,while he lived there at his place? A What?
Q You were asked about the members of Jeff Lyons' family while he was living there? A. Yes sir.
Q You remember how many of them were born before they come down there and remember how many were born afterwards? A No sir.
Q You dont remember how many he had when he came there? A. No sir, I dont.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, andthat the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this 26th day of June 1901.

(signed) T. B. Needles,

****

I, Chas. von Weise, upon my oath state that the foregoing is a full and correct copy of the original.

Chas von Weise

Subscribed and sworn to before me this the 20th of July, 1901.

Commissioner.

(C O P Y)

To be filed with Nos. R-36, D-1328
D-251, D-252, D-253 and D-357.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 2, 1902

SUPPLEMENTAL TESTIMONY on behalf of the Cherokee Nation in the matter of the application of MOSES HARDRICK for enrollment as a Cherokee Freedman. D-314.

APPEARANCES:
Louis T. Brown for applicant:
W. T. Hastings for Cherokee Nation.

NELSON MOORE, being sworn and examined, testified as follows:

BY HASTINGS:

Q What is your name? A Nelson Moore.
Q Are you a colored citizen of the Cherokee Nation? A Yes, sir
Q Your name on the 1880 roll? A Yes, sir
Q What is your age? A Forty-eight.
Q Where do you live? A In Delaware district.
Q What is your post office? A Vetonia
Q Who did you belong to before the war? A Slowie Butler and Nancy Butler, that was his wife, full-bloods.
Q Did you go out of here during the war? A Yes sir
Q When did you come back Nelse? A Fall of '65.
Q Where did you come to? A To the first place we come to the old Doctor Thompson, Johnson Thompson place, and then from there to the Bob Daniels place.
Q Now when did you move to the Bob Daniels place? A Right that same fall, to the Bob Daniels place
Q In the fall of '65? A Fall of '65.
Q Where did you live in the year of '66? A We lived on the same place, Bob Daniels place
Q How long did you live there? A We stayed there until the winter of '67 .
Q You know a colored man that used to live in that neighborhood by the name of Moses Hardrick? A Yes, sir.
Q Did you see Moses Hardrick in the year of '65 ? A No, sir
Q Did you see him in the year of '66? A No, sir.
Q Then, if you know, did Moses Hardrick return to the Cherokee Nation after the war? A Well the first time I saw him was in the spring of '67.
Q About what time in the spring? A Well it was along about April or May, as well as I can remember
Q You know where he came from? A Well he said he came from Kansas. I don't know just what part.
Q You know who he came with? A Yes, sir.
Q Well tell us? A Andy Frye and Uncle Tobe Sonrimusher and old uncle Peter Williams and Mack Reno, he is dead now though.
Q Had Andy Frye been down here before? A No sir, not that I know of, no sir.
Q You never saw him there until in the spring of '67?
A Spring of '67 is the first time I ever saw him.

BY BROWN:
Q Mr. Moore, you know Willie Frye? A Yes, sir.
Q Do you know when Willie Frye and Andy Frye married? A No, sir I don't.

Q About when? A I don't know at all. I couldn't tell you.
Q Were they married when war came up? A I couldn't tell you that, I never saw them until after they come there.
Q You never knew her until after the war? A Not until she moved there in the fall of '65 or '66.
Q Well now you say Andy Frye returned in '67? A '66.
Q You said '67 awhile ago? A '66, if I said '67 it is a mistake.
Q '66 is when they returned; you say Mose Hardrick returned with him? A No,sir, he didn't come with Andy
Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schrimsher returned to the Cherokee nation with Mose Hardrick? A No,sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.
Q Andy is on the 1880 roll? A Yes,sir
Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.
Q About how many weeks was that after Andy come until Mose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.
Q Well about how many weeks would you think? A I don't know.
Q How many months? A Oh it would be to the best of my recollection it would be about 5 or 4 or 5 or 6 months, I wouldn't say positively because I don't know exactly.
Q How did you fix the month in which Mose Hardrick returned to the Cherokee nation? A How did I fix it?
Q Yes,sir A I don't understand what you mean by that.
Q You said he returned in about April or May? A I said as well as I remember it was April or May; it was after grass was up.
Q You remember the grass being up? A Yes,sir
Q How does the fact that the grass was up connect with in your mind with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle Reuben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
Q To a census taker? A Yes,sir, to a census taker; that was in '67, Q What month was that ? A That was about June or July as well as I remember.
Q They took a census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did
Q Who returned to the Cherokee nation with Mose Hardrick?
A Old man Jeff and my uncle.
Q What is his name? A Tom Moore , and Uncle Butler McNair as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place.
Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes,sir.
Q Is he the Thomas H. Moore that lived up there now? A No, that is my brother.
Q The Thomas H. Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.
Q Were you a witness in this case before the Kern -Clifton Commission? A No,sir
Q Were you a witness in this case before John . Wallace when the Wallace roll was made? A No,sir
Q You knew the same folks then that you know now didn't you?
A Yes,sir
Q In what year was the Wallace payment? A Wallace payment, it seems to me like it was in, I declare that's kinder slipped my mind , it was '94 though I think; I forget just what year that was
Q Your best judgment is it was '94? A I don't say positively
Q How old is your oldest child Mr. Moore? A How old is my oldest child; my oldest child is about 26 years old I think.
Q In what year was it born? A What year was she born?

Q Yes,sir? A Born in '73 or '4
Q About 26 years old now? A I think she is; she aint quite 26; she will be 26 her birthday.
Q You don't know much about dates do you Mr. Moore? A I dont know just to come down to dates; of course I have to kind of think over the time a little but I never keep no dates.
Q After you think you don't know much more about it then do you?
Mr. HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and nonsensical.
BY COMMISSION : Objection is sustained.
BY HASTINGS:

Q Now Nelse, in answer to a question awhile ago from me you stated that Andy Frye come down with Mose Hardrick in the spring of '67? Did you intend to say that? A No, sir, I didn't intend to say it, Andy Frye and uncle Tobe Schrimsher and uncle Peter Williams and them come down in the spring of '66, but Mose Hardrick didn't come with them; I didn't intend to say that, because I know that wasn't so.
Q Who did you intend to say Mose Hardrick come with? A Uncle Tom and Uncle Butler and Uncle Jeff Lyons.
BY BROWN:
Q You t stified in the Ned Lyons case didn't you? A Ned Lyons?
Q Yes,sir, you know Ned Lyons? A I know him, but I never did testify in it.
Q Didn't you testify in his case in which you testified to the return of old man Lyons? A No I didn't.
Q You swear that positively? A Yes, sir, if I did I don't know when it was.
Q Why did you mention the time that Andy Frye and Peter Williams returned to the Cherokee Nation? A I was asked that.
Q By whom? A Didn't you ask me that?
Q In your direct examination, when Mr Hastings asked you who returned to the Cherokee Nation, with Mose Hardrick, why did you mention the name of Andy Frye and Peter Williams? A Because he asked me when did he come.
Q Why did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question.
Q That's why you stated it? A Time they come.
Q That's the time they come; all right, that's a l.
BY. MR. HASTINGS:
Cherokee Nation offers in evidence a part of the record from a docket of the doubtful cases of citizens tried in the Cherokee Nation in 1871, which shows the following:
" Mose Hardrick and family, too late, decided against defendant June 6, 1871 ."
The same being taken from a page at the top of which appears the following:
"Delaware,
Colored Doubtful Roll"
Said book being labeled,
"Docket of Doubtful Cases, Cherokee Citizenship , tried in 1871."
On the fly leaf of said book appears the following,
"Docket of applicants Cherokee Citizenship,1871,
Honorable Chief Justice R. P. Daniel, W. H. Turner, Clerk."
BY BROWN.
Objected to , for the reason that the page upon which it occurs has the head line"Doubtful roll of Colored People" and for the further reason that it is incompetent and for the further reason that the Cherokee Nation has not shown that the applicant was present at the sitting.
BY COMMISSION: Objection will be duly noted.
BY HASTINGS:
The Cherokee Nation offers in evidence the following

from page 35 of Records of the Cherokee Nation entitled
"Docket of the Chambers Commission on Citizenship:"
"Moses Hardrick appl'd 3rd Jany. '78; set for 10 July continued, 24 July."
A marginal note in red ink at the side of this entry is as follows:
"Decree adverse to claimant."
BY. BROWN: This is objected to on the grounds that while this record shows that the case was set for the 10th of July and continued until the 24th of July, it does not show that this application was ever heard; and for the further reason that the Cherokee Nation has not proven that the applicant Moses Hardrick in this case ever applied to the Cherokee Court for admission to citizenship.
BY COMMISSION: Objection will be duly noted.
BY HASTINGS: I reckon there is no ~~question~~ contention that these records are part of the records of the Cherokee Nation.
BY BROWN: Oh no.

BY COMMISSION: This testimony will be filed and made a part of the record in the case at bar, and the following Freedmen doubtful cases: 201, 351, 272, 320, 321 and 192.

W. H. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) W. H. Green.

Subscribed and sworn to before me this February 6th, 1902.

(Signed) J. B. Needles
Commissioner.

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 10 day of October, 1904.

Grace H. Lawrence
Notary Public

X9253

To be filed with F. D-253.

F. D-251.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Ned Lyons for the enrollment of himself as a Cherokee freedman.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of 1871, as it appears of record in the book entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," and found on one of the pages thereof, the same being numbered 7, at the top of the page is found Delaware colored doubtful roll, as follows:

"Jefferson Lyons. Too late, andfamily.
Decided against defendants June 6, 1871."

MR. SMITH: The applicants object to the introduction of the above evidence for the reasons, first, that the same is incompetent, immaterial, irrelevant, and does not tend to prove any issue in this case; second, that the entry offered or alleged decision is insufficient in law to prove or tend to prove that any decision was ever rendered; third, because there is no proof that the Jefferson Lyons mentioned in said entry was in any way connected with the applicants herein, because said applicants were not the parties if there was any decision; and fourth, because it is incompetent to prove any entry of any record of the Cherokee Nation in the manner and form herein.

MR. HASTINGS: The Cherokee Nation offers this judgment for the purpose of showing that there was a free and full and fair investigation within five years after '66, when all the witnesses were alive who knew the time that these colored people returned to the Cherokee Nation, and the decision then by the Supreme Court of the Cherokee Nation was rendered against them, which should be binding upon this Commission.

MR. SMITH: The applicant moves to strike the last remarks of counsel from the record, being incompetent, immaterial and irrelevant

COMMISSION: This testimony will be filed in the following freedmen cases; Rachel Landrum, D-252; Elias Lyons, D-253, and in the case of Ned Lyons, D-251. It appears from the records of the Commission that the above named applicants are all represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the above and foregoing is a true and complete transcript of his

stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

(Sgined) P. G. Reuter
Notary Public

Seal

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that the same is a true and correct copy of the original testimony.

H M Vance

Subscribed and sworn to before me this 15th day of July, 1902.

P G Reuter
Notary Public.

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Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Melleto & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Elias Lyons, D 253;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I. E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Ned Lyons and others, for enrollment as Cherokee Freedmen.

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ORDER.

It is ordered that a copy of the testimony of Nelson Moore taken at Muskogee, Indian Territory, on February 5, 1902, in the application of Moses Hardrick, for enrollment as a Cherokee freedman, Case No. D-314, be filed with, and made a part of the record in the applications of Ned Lyons and others for enrollment as Cherokee freedmen, Consolidated Case Nos. R-36, D-1328, D-251, D-252, D-253, and D-357.

T. B. Needles.
Commissioner.

Muskogee, Indian Territory,
this OCT 9 1904

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Irons, et al., as Cherokee Freedmen, consolidating the applications of:

George Irons et al.,	Cherokee	Freedmen	R	36,
Bettie Mayes	"	"	D	87,
Richard Nero (or Irons) et al	"	"	D	1328,
Ned Lyons	"	"	D	251,
Rachel Landrum	"	"	D	252,
Elias Lyons, et al.	"	"	D	253,
Altha Moore, et al.,	"	"	D	357,
George W. Lynch, et al	"	"	D	731.

--: D E C I S I O N :--

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennanna Irons for, among others, her husband, George Irons, stepchildren, Bertha and Bettie Irons, and stepgrandchild, Elenora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for, among others, himself, by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of M. W. and M. M. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 395, and of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 314, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons), are all children of one Nero Irons, deceased; that the said applicants, George Irons and Bettie Mayes, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Richard and Mollie Nero (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 2173 and 2238, respectively, and have selected and accepted their allotment of lands in said Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents; that the said Winnie Irons, deceased, was born since 1866, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicant, Elenora Nivens, is an illegitimate child of the applicant, Bertha Irons, and after ample opportunity having been afforded it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Ned Lyons Rachel Landrum and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents. The minor applicant, Nelson J. Lyons, is a child of the applicant, Elias Lyons, and one Martha Lyons, was born since 1880, and possesses no rights to enrollment other than as their descendant. In Cherokee freedman case No. R. 363, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, and on May 28, 1904 (Departmental letter I. T. D. 4226-04), its finding was approved by the Department.

The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto (he returned with his stepfather and mother, the said Jeff and Mahala Lyons), within the time specified in said above mentioned Whitmire decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedman case No. D 181, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 23, 1904 (Departmental letter I. T. D. 8590-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and Mike Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Hardrick. In Cherokee freedman case No. D 314, the Commission has heretofore found that the said Moses Hardrick did not, after the close of the rebellion, return to the Cherokee Nation within the time specified in said Whitmire decree, and on October 13, 1904 (Departmental Letter I. T. D. 6968-04), said finding was approved by the Department.

In connection with above findings attention is called to the testimony of the applicant, George W. Lynch, taken June 13, 1901, at Chelsea, Indian Territory, when, to the question--"Where were you in 1866?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return. More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered--"I didn't see her at that time..... ...I heard they (his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McNair, testified that he saw the applicant in the Cherokee Nation in the years 1865, 1866, and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January, 1867, and did not return to said Nation until sometime during the year 1873.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irons, Bertha Irons,

Bettie Irons, Elenora Nivens, Bettie Mayes, Richard Nero (or Irons), Mollie Nero (or Irons), Ned Lyons, Rachel Landrum, Elias Lyons, Nelson J. Lyons, Altha Moore, Oscar Moore, George W. Lynch, Rosetta Lynch and Eliza Lynch, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this APR 18 1905

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 24, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of THOMAS MAYFIELD, ET AL., as Cherokee freedmen.

APPEARANCES:
For Applicants, Starr & Patten.
For Cherokee Nation, J. S. Davenport and L. B. Bell.

By Mr. Davenport:

The representatives of the Cherokee Nation desire to introduce the entry in the book of assessment for 1868, which refers to Warren Adams, and ask that it be read and copied in the record, so that the book may be returned.

By Mr. Patten:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioner:

The request of the attorneys for the Nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	Value	No. of Cattle.
5	Adams, Warren	3	60	1

Value	No. of Hogs	Average value of all	Average Per. Property.
12	1 Value 3	--------	17

Total	Deduct Constitutional exemption	Remarks.
92	200	(Ditto) "Country"

Q Has that entry been changed, Mr. Ernest, since you turned it in to the Country Clerk? A No, sir.
Q I wish you would examine the book which you have before you, and see if you find any assessment in 1868 of Nathan Duffin? A Yes, sir.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy, and that the above and foregoing is an excerpt copy of the record of proceedings had on May 24 and 25, 1906, in the matter of the application for the enrollment, as Cherokee freedmen, of Thomas Mayfield, et al., and that the same is a true and correct copy of that part of the original record of proceedings.

Geo H. Lessley

Subscribed and sworn to before me this 1st day of September, 1906.

Chas E Hebston
Notary Public.

Cherokee Freedmen R 574-536-543-
557-599-631-579.
Cherokee Freedmen R 36-D 87-1328-
251-252-253-357-731.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL., F. R. 574 et al., and GEORGE IRONS, ET AL., F R 36 et al.

APPEARANCES:
For Applicants, Starr & Patten.
For Cherokee Nation, W. W. Hastings and J. S. Davenport.

The records of this office show that on April 5, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

T. H. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A T. H. Walters.
Q Where do you live? A At Iola, Kansas.
Q How long have you lived there? A Since the 19th of July, 1861.
Q What is your age? A 62 the 5th day of last March.
Q Were you a soldier in the Civil War? A I was.
Q When were you mustered out of service? A The 19th of September, 1865.
Q Where were you living in the year 1866? A I was living one mile north of Iola.
Q Were you acquainted with a colored man in that neighborhood by the name of Moses Hardrick? A Yes sir, I was.
Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.
Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 50 or 60 cord of cord wood for me in the early part of 1866.
Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.
Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected to as being clearly inadmissable because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted.

A No I cannot say that I heard that he had left there. A I didn't see him and that is all I know about it.
Q Didn't see him after that time? A No sir.
Q Have you lived in that neighborhood ever since? A Yes sir.
Q Have you seen him in that community since? A No sir, not until I met him here today.
Q Do you know of there being a house built in that neighborhood known as the Dan Norville house a good many years ago? A Yes sir.
Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quarried the rock for the foundation and cellar.

BY MR. HASTINGS:
Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what become of him after you think you saw him about March, 1866? A I lost sight of him.
Q Never made any inquiry and had no occasion? A No sir.
Q And don't know what become of him? A No sir.
Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what become of them. Some went to one place and some others, and others may have remained there?
A Yes sir, I think that might have been the case.

W I T N E S S E X C U S E D.

FELIX LORANCE, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Felix Lorance.
Q Where do you live? A I live in Elk County, Kansas.
Q How old are you? A I am 58 years old last 31st day of April.
Q Were you ever in the army? A No sir, I wasn't in the army.
Q Where were you living in the year 1865? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm 1857 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
Q Did you know about that time a xx colored man by the name of Moses Hardrick? A Yes sir.
Q Did you know Jeff Lyons? A I knew a darker called Jeff, for instance we called a negro named Jeff, we called him "Nigger Jeff."
Q Did you know one named "Nigger Butler?" A Yes sir.
Q And one named "Nigger Tom" or Tom Moore? A I knew Tom, but not his other name.
Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, northwest corner of my father's farm in Allen County, that is the entire part of part of the year, he left there in the fall of 1866.
Q Is this Moses Hardrick the same as the applicant in this case?
A This man right here.

Q You could identify him could you? A After I looked at him awhile, when he was there he wasn't lame or crippled up.
Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '62, '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
Q Did he work there in the fall of 1866? A The first part of it.
Q Where did Jeff Lyons live? A I don,t know
Q Do you remember how long Mose Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
What did he live in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
Q In what year was it? A 1866.
Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
Q Do you remember when Dan Morville's house was built? A Well I was there, but I don,t remember ~~my~~ anything about the dates at all. I didn't work on it any when it was built.
Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don,t remember when it was built.
Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1866.
Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad soldier and I tried to get in.
When did you return? A June, 1866.
Q Was it that same year or different years these parties left?
A That same year.
Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
Q The following year you farmed that ground? A Yes sir.
Q When was that? A 1867.

BY R. HASTINGS:
Q When were you married? A The first time in 1870.
Q You were not married then? A No sir, I was just 18 years old. I was born in 1848.
Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.
Q You mentioned a man named Jeff and Butler and "Nigger Tom?" A Yes sir.
Q Did they leave and come with him? A I never saw them afterwards.
Q I asked did they leave? A I don't know, there was a bunch left at the same time? Mose left.
Q You didn't have any knowledge about Jeff? you don't know where he lived? A No sir.
Q Are you prepared to say he come off with Mose? A I don,t know, there was a bunch left there.
Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Mose or not.
Q How about this man Tom? A I don't know anything about him.
Q Did you ever see either of these after Mose left? A No sir.
Q Are you certain of that? A Pretty so, I never saw one that I remember of.
Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.
Q Who directed your attention to it? A I don,t know what the man's name was, he was a dark complexed, heavy set man. I forget his name, he told me but I forget it.
Q How long ago was it? A A couple of months, I expect since I saw him.
Q Did you know Moses' wife's name? A I think her name was Patience.
Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.
Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.
Do you know of the youngest one? A No sir.
Q Do you know whether they were boys or girls? A I don't know that, he had a small family there? We lived in t eir own house and we lived in ours.
You never made any record of the date the left? A Nothing only memory from the time I come off of the plains.
You don,t know of him coming to the Cherokee Nation? A Never saw him from the time he left there.
Q You don't know whether he come on this side or not? A He might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.
Did Mose ever live on that Eastwood place west of the Neosho River? A I don't remember.
Q Did he ever live on that Terrille place? A I don't think he did, but I don't remember.
Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don't remember her.
Q Did he have any children? A I don,t know whether he did or not
Q Did you ever see Butler McNair's wife? A I don't think I did.
Q Did he have any children? A I don,t know.
Q Did you ever see Tom's wife? A I don't think I did, if I did I don,t remember it.
When were you told what Mose's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience and us kids would kind of make a little game of it.
Q If she did your washing you don't remember the children's names?
A No sir.

Q You don't know how many there were? A No sir.
Q Do you know whether they were boys or girls? A IThink the older ones were boys but I am not positive.
Q How long did your father live, is he dead now? A He has been dead about 20 years.
Q Was he living in 1872? A Yes sir.
Q In 1876? A Yes sir.
Who was living on your father's place in 1872? A He was there.
Q Your father? A Yes sir.
Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
Q Did you ever go back there at all. A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
Q You don't know who was there,--what of those years between them or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1868.
Q Who cultivated your farm? A I did myself, and sometimes had hired men.
Q Who worked for you at that time? A I don't remember.
Q It is mighty hard to remember those things? A Yes, unless you have got something to go by.
Q You would not undertake to remember it? A No sir. I don't suppose I would remember Moses unless it was by my brothers coming out of the army and my going on the plains, and coming back.
Q Suppose he says he come in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
Q You don't know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows;

BY MR. PATTEN:
Q State your name? A James L. Christy.
Q Where do you live? A In Allen County, Kansas.
Q Is that near Iola? A Yes sir, I live 11 1/4 miles northwest of Iola now.
Q Were you enlisted as a soldier during the Civil War? A Yes sir.
Q When were you mustered out? A August 16, 1864.
Q Where were you living in 1866? A Two miles north of Iola.
Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
Q Did you at that time ever know a colored man named Moses Hardrick? A Yes sir.
Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
Q Did you know Butler McClaire? A Yes sir.
Q Tom Moore? A Yes sir.
Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McClair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
Q Where was Moses Hardrick Living? A On a man's place named Lorance.

Q How far was that from where you lived? A About a mile and a half.
Q Did you see these people frequently? A Yes sir, with them every week.
Q Do you know how long Moses Hardrick continued to remain in that community ? A Why I don't know the exact date he left there, I got acquainted with Moses in 1865.
How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Moses Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I got acquainted with them that way.
Q When did they leave that community up there? A To the best of my knowledge sometime in October.
Q What year? A 1866.
Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
Q Did they take their effects with them when they left, moved completely out? A I don't know, I know they rigged up in wagons, and whether they took all I don't know.
Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
Q How long did you live in that community continuously after that
A I guess I lived right there for 10 years.
Q Did you ever see these people after that time you say they left?
A No sir, I never did.
Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
Q Did you ever see them there a ter that time? A No sir.
Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Moses Hardrick and some of these colored fellows to help us thrash and theysaid they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
Q Did they say where they were going? A My understanding was to the Nation.

BY MR. HASTINGS:
Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
Q Was that in January or Februar , 1866? No sir, it was in August .
Q Why couldn't that have been in August, 1867? A Because I wasn't right at that place in August , 1867.
Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
Q What time in 1867 did you get married? A November, 1867.
Q Then you were not married in August, 1867? A No sir.
Q And you were not married in October, 1867? A No sir.
Q Were you on your father's place? A I was on my father's place part of the time.
Q How old did you say you were? A I didn't state but I will be 66 the 12th da of July.

Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
Q That was your head-quarters? A Yes sir.
Q Now you of course don't know where those parties went? A No sir.
Q You never saw them any more until you saw them down here? A Never seen them until I saw Moss Hardrick here today.
Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Moss Hardrick? A Yes sir.
Q You state they all left together? A That was my understanding.
Q You are as positive about one as the other? A Yes sir.
Q What was Butler McNair wife's name? A I think it was Betsey.
Q Did they have any children? A I don,t think they did.
Q What was Jeff Lyon's wife's name? A I don,t know.
Q Did they have any children? A I don't know.
Q Were you ever at his house? A No sir, I don't know as I was at his house.
Q Then you didn't see him when he was leading his wagon? A No sir.
Q And you didn't see Butler McNair? A He had his wagon loaded.
Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
Q You don,t know that? A I am not positive as to the date but I am pretty sure they all left together.
Q You are not positive as to the date but you are positive as to them leaving all together? A Yes sir.
Q You didn,t know Tom Moore's wife? A I have seen her.
Q You don't know her name? A No sir.
Do you know what place he lived? A ON Glover's place at Carlila.
Q You don,t know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
Q Well now did your father raise any wheat in 1867? A Yes sir.
Q Did he raise some in 1865? A We tried toraise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
Q Did you raise some in 1868? A Yes sir, I think we did.
Q Didyou raise any in 1869? A I think may be we did. We generally sowed wheat every year.
Q Well did you? A We sowed every year.
Q I mean did you have it sown on your place? A No sir, not on my place.
Q Did you have a place in 1869? A No sir, not myself , the place I was on belonged to my father.
Q Did he have some wheat in 1869? A I think he did.
Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
Q The same man? A No sir.
Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Low Osborne and Nate Wisdom thrashed in there for 21 years.
Q Do you know whether it was 1869 or '70? A I think it was 1869.
Q Are you positive about that? A Yes sir, I am pretty positive.
Q What time in 1869? A I think it was in the fall.
Q You were not down at Moss Hardrick't when he left? A No sir, but I was there several times and heard of his leaving.
Q You heard of his leaving? A Yes sir.
Didn't see him leave? A No sir, didn't see any of them leave.
Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they were going and I sold Tom Moore a span of ponies to come with just a few days before they left.

Q But you don,t know whether he and Mose come together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humbolt.
Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case come up---
Q You talked with the other witnesses when you come down? A Yes sir, I talked with these witnesses as I come down.
Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
Q What other of these people have you talked with? A I don,t know, I don't know any of them but Mose.
Q Talk with Mr. Starr? A Yes sir.
Q When? A This morning the first time I ever seen him.
Q Who did you talk with up in Kansas and who got you to come here?
A Well the man I talked to up in Kansas was Parrymore.
Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up--
Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.
Q And the reast of you witnesses talked it over coming down here?
A We didn't talk it over. Only two come with me.
Q Who? A A man named Morse and a man named Byrd.
Q Do you know any of the hands that helped you thrash in 1867 ?
A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
Q Who was that? A John Walter.
Q Who helped you in 1868? A Why John Walter I guess.
Q Are you positive about that? A Well we always changed work.
Q You had been in the habit of changing work are you positive you changed that time? A Well I don,t know for sure.
Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
Q If he testified he come in the spring, it was some spring after that? A He was mistaken, not that spring.

BY MR. PATTON:
Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.
Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
Q You spoke on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.
Q Did that instance help to refresh your memory? A Yes sir.
Q In what way? A In the year that he tanned them. I knew what year it was.
How do you happen to recall that instance of him tanning those hides for you? AA Well after he got them tanned he tooke them all away and I never got but one little hide.
Q Did he take them all away? A Yes sir.
Q You remember you lost your hides? A Yes sir.
Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.
Q You spoke on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.

Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On Behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.
Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:
Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Rose Hardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1865,-- no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring
Q And it was the next year after they damaged it the grass hoppers were bad up there that Rose left? A The last grass hoppers were there in the spring along--
Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.
Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1865? A No sir, not bad in 1865.
Q Didn't hurt your crop in 1865? A No sir, it was in 1865.
Q But any how it was the next year after the grass hoppers were there? A Yes sir.

BY MR. DATTON:
Q Do you remember when the Tom Norville house was built? A Yes sir.
Q What year was it built in? A In the spring of 1866 they commenced it.
Q Are you pretty positive that it was in the fall and not in the spring of 1866 that the people left? A Yes sir, I am pretty sure it was sometime in the fall. I do not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:
Q How far from Tom was the Tom Norville house? A It is a mile and a half from the center of the square.
Q How a mile and a half south from the center of the square, who lives there? A Davis Parsons.
Q When did the build a house down there? A Well sir I think Davis Parsons built a house there in 1867.
Q Go east of there a mile and a half, who built a house out there? A Wasn't any there.
Q How in in that neighborhood? A Wasn't any settlement up there then sir.
Q Who was the first house built there? A Old Lyman Rose built the first house east of there.
Q When was that? A In the fall of 1865.
Q What I am trying to get at there was nothing to impress it on your mind of anybody building a house around there? A Well yes I know, there was a lot of houses built around there.
Q You mean to sit up here and tell when such houses were built without anything to fix it on your memory? A I am the oldest settler in that country.

Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
Q Why then was the Dan Horville house? A He built the finest house in the country.
Q Well aint there lots of fine house around in that country.
A Yes sir, there's now, but he built the first.
Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S E X C U S E D.

J. C. THOMAS, being furst duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A J. C. Thomas.
Q What is your age? A 64.
Q What is your post office? A Iola.
Q Kansas? A Yes sir.
Q How long have you lived in or around Iola, Kansas? A Ever since 1864.
Q Where were you living in the spring of 1865 ? A I lived at Iola, near there, right in a half mile of the town.
Q What direction from town? A West of town at the mill.
Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
Q By what name did you know him? A By Jeff.
Q Did you know his wife? A Yes sir.
Q What was her name? A Mahala, she done my washing until I was married.
Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing?
A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
Q Did you get a deed to that farm? A Yes sir.

MR. Starr. Mr. Wastings we want to have a notation made of this deed.

Mr. Wastings: I have no objection whatever,

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lydia Pierson, conveying certain land described therein to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29, 1865 The deed is returned to the witness.

Now where was Jeff and Mahala at the time you bought this place?

Mr. Wastings: Objected to because he has made noconnection between the two as yet.

On Behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Cowhorn's place.

Q How far was that from where you lived? A On part of the place, there was a lot cut off of his place.
Q How lond did you continue to live at that place? A From 1865 until the spring of 1866.
Q Then where did you move? A On to this place.
Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cowhorn place.
Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
Q What became of Jeff and Mahala after that? A I don,t know sir, I hewen't seen them since.
Q How long did they continue to live there after that, after you moved on to this other place? A I don,t know sir, the y may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
Q Did they leave that part of the country in 1866? A

Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted.

A I never see them after that, don't know where they went.
Q Never saw them since? A No sir.
Q Now what was your understaanding as to where they went?

Mr. Hastings: Objected to bedause he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will benoted.

A My understanding was that they come down here. I asked why they left there so quick, I didn,t think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:
Q You don't know who you talked with? A Nosir.
Q Ahd you don't know of your own personal knowledge when they left?
A No sir, I don,t.
Q You cannot begin to testify and you arenot going to testify?
A No sir.
Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
Q And you don't know whether they left that spring, or summer or when? A No sir.
Q All you remember is that you didn,t remember of seeing them after you moved? A No sir.

W I T N E S S E X C U S E D.

ELIZABETH THOMAS, being first duly sworn testified as follows:

BY MR. STARR:
Q What is your name? A My name is Elizabeth Thomas.
Q What is your age? A I am 64.
Q What is your post office? A Iola, Kansas.
Q How long have you lived in or around Iola, Kansas? A Well since 1858, the fall of 1858.

Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there about 100 yards.
Q Are you acqu inted with a colored man named Jeff Lyons in 1865?
A Yes sir.
Q Did you know his wife Mahala? A Yes sir, she lived there close.
Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don,t know really how far it was, not over that.
Q Did you know them there in 1866? A I never saw them until here.
Q When did you leave the place? A In the spring of 1866.
Q Did you see them around there after the time you left? A Yes sir, before we left.
Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
Q Now when was it that they came to the Cherokee Nation? A Well sir---

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On Behalf of the Commissioner: The objection will be noted.

A Well I can't give the date when they come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very shor t time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:
Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn't go with them.
Q You didn't see them when they left there? A We went from that vicinity.
Q Did you see them when they left? A No sir.
Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
Q Didn't you say they dropped out of your sight in the spring of 1866. A I said I hadn't been back to visit where I lived.
Q Didn't you say you didn't see them after the spring of 1866? A I don,t think I did.
Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? The folks-

On behalf of the Commissioner: Answer his question, yes or no.

A I didn't know that they were coming down here.
Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
Q Now you are determined to say that? A Well it is just hearsay, the same as our neighbors, everybody knows:
Q Who lived on your place in 1867? A We lived there ourselves.
Q Did you have any tenant? A No sir.
Q Did you have any one in 1875? A No sir.
Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
Q What time did you move on this place in the summer? A In the spring, the first of March.

Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
Q You don't know where they were of your own personal knowledge?
A No sir.
Q Did they have any children? A Yes sir, one.
Q What was its name? A It name has slipped my mind.
Q Boy or girl? A Boy.
Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
Q They only had one that you knew? A The only one that was with them, I have been told that she had older children that were not with her.
Q That had only one there and it was 5 or 6? A Yes sir:
Q That was Jeff and Mahala? A I don't know, it was called theirs.
Q Do you know where it was born? A No sir.
Q Did they have any born while there? A Nosir.
Q You know that? A Yes sir, I know that.
Q This one you knew is 5 or 6 years old? A I judge it was.
Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY MR. STARR:
Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possible be put.

On Behalf of the Commissioner: The objection will be noted.

We have never lived on but one place, we live right where we moved when we went to housekeeping.
Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
A To the best of my knowledge it was.

BY MR. HASTINGS:
Q Was it a month after you moved on your place? A It was more than a month.
Q Two months? A I think it was that, well this Jeff just tended a crop that year.
Q You don't know this? A I know the had to hire another hand, they said Jeff was gone.
Q In making that crop? A Yes sir.
Q Making a crop of corn? A Yes sir, a mixed crop I guess.
Q That is what you recollect about it? A Yes sir, I wasn't on that place, I just seen the family once in a while.

W I T N E S S E X C U S E D.

On motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A.M.

On June 22, 1906, in pursuance of continuance heretofore had in this case, the hour of 8:45 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being furst duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A R. J. Morris.
Q Where do you live? A Iola, Allen County, Kansas.
Q How old are you? A Past 61.
Q How long have you lived there? A A little bit over 30 years.
Q Were you a soldier in the Civil War? A No sir.
Q Did you know a man by the name of Moses Hardrick, a colored man about war time? A Yes sir.
Q When did you first become acquainted with him? A Personally acquainted with him in 1864, we were out together in Price's Raid., there is where I got personally acquainted with Moses.
Q Did you continue to know him after that time? A I did for a year or two.
Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Lorance.
Q Where were you living at that time? A Two miles northwest on Deer Creek.
Q Were you pretty well acquainted with him? A Yes sir, very well acquainted with him.
Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Moses in town.
Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Moses.
Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
Q Did you know Butler McNair? A Yes sir.
Q Where did these other people live, Jeff Lyons, where did he live?
A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
Q Was that close in the neighborhood where you lived? A Probably five miles.
Q Where did Butler live? A On Deer Creek about 4 miles from me.
Q Where did Tom live? A ON Coover's place, a mile north of where Butler lived.
Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
Q And where did they go, if you know? A I don't know, they left there and said---they were talking of coming back home, I suppose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '65 that they left? A Well I was at that time a single man, I was married in 1867.
Q And about how long before you were married did they leave? A year.
Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
Q Do you know when the Dan Norville house was built up in that community? A I couldn't say as to that, it was built in the early days.
Q You don,t know what year? A No sir.

BY MR. HASTINGS:

Q It is pretty long to remember when people's houses were built around there? A All I will tell you that was about the finest house put up in that country then.

Q But you cannot remember? A No sir, I couldn't say what year

Q You would not like to say from an independent memory? A No sir.

Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never met him very much.

Q You perhaps knew there was a colored man by that name? A Yes sir.

Q You don't know the members of his family? A No sir.

Q You don't know anything about the members of Tom Moore's family?

A I knew his wifex, a girl Rose, an adopted girl.

Q How old was Rose? A She was just a little bit of a girl.

Q About what age? A Probably 7 or 8 years old.

Q Well now what place did Tom Live on? A On Coover's place.

Q About how far was that from where you lived? A About 4 miles.

Q Well was that settlement around Iola pretty thickly settled?

A Yes sir, tolable.

Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.

Q You made no note or nothing of that? A No sir.

Q You are just testifying from your own independent recollection?

A Yes sir.

Q And these people, you could be mistaken as to the time you last saw them? Yes sir, it is possible.

Q You are not going to state it here and swear positively as to that? A Only as to my recollection.

Q You have no record guide you? A No sir.

Q And the same is true of Butler McNair? A Yes sir.

Q And of the others you have testified? A Yes sir, I would not attempt to say positively.

Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.

Q It is possible you could be though? A Yes sir.

Q Because it is 40 years ago? A Yes sir, long time ago, I know it was they left there before I was married.

Q You have not nothing that connects your marriage with them? A No sir.

Q They didn't attend your marriage or anything of that kind? A No sir.

Q I mean did work ~~at~~ for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.

Q Well I know, you often times thought have help around there? A They would have been there at the wedding.

Q I say there is nothing in the way of who cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.

Q As I understand you these were colored people living there in the country that you knew? A Yes sir.

Q You knew a great man there, colored people there? A Yes sir.

Q All these people dropped out of your sight about the time your indicated? A Yes sir.

Q You are not going to testify as to where they went to? A No sir.

Q You never saw them in the Cherokee Nation until recently? A No sir.

Q One of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground

Q Might for aught you know? A Yes sir, we might meet in the happy hunting ground.
Q They left there at the same time Butler McNair? A Yes sir, all disappeared at the same time.
Q That is all dropped out of your sight? A Yes sir.
Q You were not there when either of them left? A No sir.

BY MR. PATTEN:
Q You were more particular acquainted with Mose Hardrick? A Yes sir, Mose more particularly.
Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in the fall of 1866.
Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being heresay.

On behalf of the Commissioner: The objection will be noted.

A They were coming back home, back to the Te ritory, that was my understanding.

W I T N E S S E X C U S E D .

CALVIN ROSS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Calvin Ross.
Q How old are you? A 66, 67 next spring.
Q Where do you live? A Iola, Kansas.
Q How long have you lived there? A I have been there ever since the war.
Q Did you know Mose Hardrick during the war? A Yes sir, I knowed him.
Q Did you know Jeff Lyons? A Yes sir
Q Did you know Butler McNair? A Yes sir.
Q Did you know Tom Moore? A Yes sir.
Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
Q Did you go up there with them? A Yes sir.
Q Were you in the Territory here before the war? A Yes sir, raised right over here on the Grand River.
Q Did you go to Kansas with that party up here? A Yes sir.
Q Where were you living in the year 1866 after the war? A Up there
Q Where? A Iola.
Q How far from Iola? A Right in town.
Q Do you know where Mose Hardrick was living then? A Yes sir.
Q Where? A On the Loranee place.
Q Do you know where Jeff Lyons was living? A On the Cowhorn place.
Q Do you know where Butler and Tom were living? A I don't exactly know, I know they lived on Deer Creek there.
Q Do you know when Mose Hardrick and Jeff Lyons left the community up there? A Yes sir
Q When did they leave? A Along about '66, along about the fall like.
Q Do you remember about what month, or what time of the year?
A Well it was fall of the year, latter part of August somewhere along there.

Q That was in the year 1866? A Yes sir.
Q Where did they go, if you know? A Well they started down here, they said to the Nation.
Q Have you lived in that community almost every since? A Yes sir.
Q Have they ever been up there since? A I haven't seen them, never saw Mose until yesterday.
Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross? A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.

BY MR. HASTINGS:
Q You are the same man that applied here for citizenship? A Not this court.
Q Yes to this Commission? A When?
Q Well are you? A No I aint applied for anything in this court here.
Q Did you ever apply? A I did in the Wallace court.
Q About four years ago? A No sir, not 4 years ago.
Q Have you ever applied? A Why I did in the Wallace Court, I don't know how long that has been but then I wasn't living here.
Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
Q Who were your witnesses? A Why old man John Martin.
Q Did you draw money from the Wallace Court? A Didn't get nothing, not five cents.
Q Did you make application to the Kern-Clifton Commission in 1896?
A No sir.
Q Did you live in Iola, in the town of Iola? A Yes sir.
Q Where did Mose live? A On the Lorance place north of town, northwest.
Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit run out.
Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the latter part.
Q Did Butler McNair leave at the same time? A Yes sir, he and Tom Moore.
Q All of them go? A Yes sir.
Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
Q You never come in 1866 yourself? A No sir.
Q What was the first time you come here after the war? A Time of the Wallace Court.
Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
Q Did you apply for it? A I went in to enroll and they----
Q Did you get on? A Yes sir, they said I was on it.
Q Did you get any money? A No sir, they took my name off.
Q You don't know what year that was? A No sir.
Q Are you married? A I have been.
Q What year were you married? A '70

Q What were you doing up until 1870, you never was married? A What was I doing before I ma ried.
Q Yes, were you working up there? A Yes sir.
Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
Q Were you ever here after you come to make application before the Wallace Court? A I have been down on a visit, that is all.
Q What year was that? A I was down here last year.
Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
Q Do you remember the exact year you were here? A No sir.
Q You don't know about those dates? A No sir, no learning at all, I am no scholar.
Q Can you sign your name? A No sir.
Q Can't read nor write? A No sir.
Q You are a colored man? Yes sir, I am colored.
Q You were a slave yourself? A Yes sir
Q To whom did you belong to? A Lewis Ross.
Q Where is that other Calvin Ross up there? A He lives at Vinita
Q Did he used to live at Iola? A Yes sir, I suppose he did.
Q Don't you know? A Yes sir.
Q Did Hardrick have some children up there in Kansas? A Yes sir, I think he had some.
Q How many did he have? A I don't know that. That is something I never paid any attention to, him nor anybody else.
Q Did Butler McNair have any children? A Well I don't know that.
Q Well did Jeff Lyons have some? A Yes sir, he had some, I recollect a couple of girls; that was his wife's children.
Q What were their names? A One named Peggie and An-na-ki, by a man named Ike.
Q Did Jeff have any children by her? A Yes sir, he had children by her.
Q Up there? A Yes sir
Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
Q Don't remember his name? A No sir.
Q Have you lived continuously in Iola ever since? A yes sir.
Q In the same town? A Right there in town, been nowhere else.
Q Were you in the army? A Yes sir.
Q After you were mustered out you just lived continuously in Iola?
A Yes sir, right there.
Q Is the wife you married in about 1870 living? A Dead.
Q When did she die? A She has been dead about 12 years I believe
Q Do you remember the year she died in? A No sir.
Q You don't remember? A No sir, I d n't know anything at all about such things.
Q You don't know anything about dates? A No sir.
Q You don't remember the date she died? A No sir.
Q You are not going to testify about dates? A No sir.
Q You are unlearned and connot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
Q Did you have some children born to you? A No sir.
Q Never had any children at no time? A Nosir, never did.
Q You are just testifying now from independent recollection?
A What I tell is what I recollect.
Q But you have just said you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
Q And you said you don't know anything about dates? A Well I know about back in 1866, about that time I know that because that was the second year after I come home from the army.

Q But you don't know what year your wife died? A No sir, I don't know that.
Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
Q Now from 1866 up to the present hour can you name any date upon which any event occurred. Now all between those years, 1866 to 1906? A Well I don't know that that is.
Q Do you know anything occurred in 1876? A I don't know that.
Q Do you know anything occurred in 1886? A I never paid attention to such things.
Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
Q When were you asked to testify in this case? A I was up at Iola.
Q Who come to see you about it? A I don't know the man.
Q Well who was it? A I don't know but he was---I guess you all know him better than I do.
Q Who subpoened you to come down here? A Why it was a Government man, he said he was doing Government business.
Q Did he say he was a Deputy Marshal? A Yes sir.
Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come down.
Q Did he read a subpoenae to you? A No sir, he didn't read anything
Q Did he say he had one? A He didn't tell me that neither.
Q What was his name,--Parrymore? A I don't know.
Q Was that his name I never heard the man's name called.
Q But without knowing who it was or anything about him, you come?
A Yes sir, I don't know anything about his name, he never told me his name at all, he told me what day to come.
Q What year is this? A 1906 I believe.
Q Are you certain? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Davis.
Q What is your age? A 51 going on 52
Q What is your post office? A Vinita.
Q Are you acquainted with the applicant Moses Hardrick? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Did you know Butler McNair in his life time? A Yes sir.
Q Did you know old man Tom Moore? A Yes sir.
Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
Q When was the first time you saw the applicant Moses Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
Q Where was he when you saw him? A Over there on Spring Creek.
Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime of the first of February.
Q January 1867? A Yes sir.
Q Where was he? A He was up on the River on the old Dr. Thompson place where Wimer Thompson lives now.
Q What was he doing there? A He was living there.

Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January, 1867? A Yes sir, ever since to my recollection.
Q Never has lived anywhere else? A Not as I know of.
Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
Q In the Dr. Thompson house? A Yes sir, in that house.
Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there working there.
Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:
Q How old are you now? A 51 years old, going on 52.
Q You were just a boy then? A Yes sir.
Q How old were you then? A I suppose I was, I don't know about 11 years old, 10 or 11.
Q You were a slave yourself before the war? A Yes sir.
Q What is your wife's name? A Belle Davis.
Q What was her maiden name? A Belle Bains.
Q Is she an applicant for citizenship? A She was born and raised in Texas.
Q Is she an applicant for Freedman citizenship? A Nosir she is an intermarried, she is a State woman.
Q Were you ever married before? A No sir, this is the first one I ever married in my life.
Q Where were you living in 1866? A Well sir I was living at two different place. I was living up there on Grand River, there is where I settled, I moved from Fort Gibson up there.
Q When did you go from Fort Gibson? A Sometime in the summer.
Q On whose place? A Our own place.
Q Who was with you? A My Uncle.
Q Who was he? A William Tucker.
Q Who made a crop on the Lon Lynch place in 1867? A Well I don't know about that.
Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
Q Did Jeff Lyons have any children with him when you saw him?
A Well I don't recollect, there were some children, I think he did though.
Q Did Mose Hardrick have any? A Yes sir.
Q How many? A I don't recollect, had several of them, --Jeff Lyons, lets see---
Q I am asking about Mose now? A Well he has had so many children I don't recollect.
Q Well at that time? A Yes sir, I think he did.
Q Now what children did he have? A I know of one, Elisa.
Q Did he have any others? A Yes sir, two or three more there.
Q What were their names? A I don't recollect--there was Josiah.
Q He had him there when you first saw him? A No sir, he did'nt have him then.
Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
Q Well after Christmas, which ones did you see? A Well I say there was Elisa.
Q What was the next one? A Well I don't recollect, he had several children.

Q How many did he have? A I said I don't know.
Q Don't recollect that? A No sir.
Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
Q You don't tell about that? A No sir, had two or three, 3 or 4, there were lots of children there.
Q You were only a boy yourself, you would have known children?
A Yes sir, that is how come me to know them, I played with them
Q Was Butler McNair there at that time? A Well I don't recollect, it has been so long, I don't recollect all of them.
Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
Q You did'nt belong to the same people these people did before the war? A No sir, but I knowed them.
Q You were only 5 or 6 years old during the war? A Yes sir.
Q You were born in 1855 or 1856? A Born the 27th of March 1855.
Q Was Tom Moore at this Thompson place? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What washer name? I don't recollect.
Q Was she there? A I con't recollect.
Q You cannot recollect, it has been so long ago? A No sir.
Q Where did you live in 1867? A On Spring Creek.
Q Where did you live in 1866? A Up on Cabin Creek, moved up there in 1868.
Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
Q Where did you live in 1869? A On Cabin.
Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Call it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
Q Were you down there in 1866? A Yes sir, I think I was there in 1868, come around by there.
Q Who cultivated that place that year? A I don't recollect.
Q Do you know who cultivated it in 1870? A No sir.
Q Do you know who dultivated the Bob Daniels place in 1868? A No sir.
Q Do you know who cultivated the Lynch place in 1866? A Which one of the Lynch's places.
Q Lon Lynch place, belonged to his father? A No sir I don't. You see I didn't live up there with them people at all.
Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went with them.
Q Are you certain you saw Butler McNair up there at that time?
A Yes sir,--well I wont be positive.
Q Is that your best judgment, along with your judgment ofthe rest of them? A No sir, I wont be positive about Butler McNair
Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
Q Nowlets commence again, what children did Mose Hardrick have up there at that time? A I know he had Eliza.
Q The others? A It seems he had a girl, I forget, I know he had two or three
Q Nels Moore living there at that time? A Yes sir.
Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
Q What others lived there, now named them all? A I have named all I recollect of.

Q Now lets go over them again so we can get them more together, allthat were living in that house at that time? A I couldn't tell you all of them. That has been a long time ago and I couldn't be positive to state but all of them people were living in that house.
Q It is a long time to testify about? A Yes sir.
Q And you don't want to be positive about that? A Yes sir, I am positive I saw Uncle Mose Hardrick there because I knew him so well.
Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Mose Hardrick's children.
Q Well who else? A I seen Aunt Sallie Lyons.
Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was Mike Moore's mother.
Q What was her name? A I think it was Aunt Salie.
Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
Q His mother was named Sarah? A Not Sarah, I think it was Salie it has been so long I forget,.---No Mahala that was it.
Q Who told you? A I just happened to think of it.
Q You just heard one of those boys back there say it, didn't you?
A No sir, but that was her name.
Q She was living there then? A Yes sir.
Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Mose and them people I know personally a long while.
Q You are ready to testify about them? A Yes sir, you too.
Q But you are not ready to testify what children Mose had? A Yes sir, I can testify to that.
Q Give them here? A I cannot give them all.
Q Then you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
Q Did he have any others? A Yes sir, two or three more
Q What were their names? A I don't recollect it, --there was Cy.
Q He was there at that time? A I don't recollect whether Cy was there at that time. I knowed Uncle Mose had two or three children but that was Eliza, she was the oldest.
Q What I am trying to get at, you say Mose had some two or three other children there at that time and I am asking you the names of any of them except Eliza, that was there in January, 1867?
A I don't recollect the names.
Q But you know he had them? A Yes sir, I know he had them.
Q Was he living up stairs or down stairs? A I don't recollect that.
Q Do you remember who was living up stairs? A No sir.
Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
Q You don't know who was living there on the Lynch place, Lon Lynch's father? A No sir, I didn't live up in that country.
Q You don't know hwo lived on the Johnson Thompson place? A No sir I don't it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
Q You couldn't say that? A No sir.

Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.
Q When did you know of his living there,--lots of time you knew of a man living there but not personally acquainted with him? A Well I would know,--I knew he was living there along in '70.
Q Thatwas the first time you ever saw him there, that is what I am asking you? A I don't recollect.
Q You don't recollect that? A No sir.
Q How far is the Johnson Thompson place from the Dr. Thompson place?
A Well I don't know that, it isn't very far though.
Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the river and the Johnson Thompson place on the other.
Q What side of the river is Dr. Thompson place? A On the east side.
Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
Q And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

ON BEHALF OF THE COMMISSIONER.
Q Are you related to Mose Hardrick? A None at all sir.
Q Are you related to Jeff and Mahala Lyons? A No sir.
Q Mike Moore? A No sir.
Q How far did you live from them before the war, Mose Hardrick?
A It was, I expect 45 miles.
Q When was the last time that you saw him before the war? A Well sir I think it was just about the year the war commenced, or the year before the last time that I seen Uncle Mose.
Q Where was it? A He was up there at our place.
Q Do you remember what year it was? A Yes sir, I think I do.
Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
Q He was at your place? A Yes sir.
Q Was any one there with him? A Yes sir, several of them.
Q Name them? A Lets see, there was him and Uncle Jim French, and my oldest brother, Ab Davis, my mother and Charley Davis.
Q What were they doing there? A Well I don't recollect.
Q Just visiting? A Yes sir, he was just there, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.
Q Do you remember him being at your place before that time? A Yes sir.
Q Can you name another time he was there before this? A Yes sir, I can recollect him ever since I have been big enough to recollect.
Q The last time you remember seeing him before the war was in 1860?
A Yes sir, somewhere along there, '59 or '60, about the time the war commenced.
Q Do you know where he went from your place? A No sir, guess he went back home.
Q Did you see him any more until you say you saw him in January, 1867? A Yes sir.
Q When? A I seen him sometime along in December of 1866.
Q Did you see any other freedmen up there about that time? A Yes sir.
Q Name them? A Well I cannot name all. There was several of us.

Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Musgrove and our family and Uncle Hous Musgrove.
Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
Q You were how old then. A About 10 or 11 years.
Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime just before Christmas.
Q Had you ever gone to schold prior to that time? A No sir, I hadn't commenced schold then.
Q Could you read and write at that time? A No sir.

BY MR. STARR:
Q About this Bob Daniels place, how many Daniels places were they around that country? A I don't know, I aint very well acquainted with the Daniels place.
Q Were you very well acquainted with this Lon Lynch place in 1867? A No sir, I wasn't around there very much at that time 15 or 16 miles from there.
BY MR. HASTINGS:
Q Was Mose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
Q You don't have any idea about that? A No sir, I couldn't say I didn't live within 40 miles of him.
Q You don't know whether he had a wife before the war or not?
A Don't know whether he married before the war or during the war Sometimes the darkies didn't marry in this country.

W I T N E S S E X C U S E D .

WILLIAM BIRD, being first duly sworn, testified as follows:
BY MR. PATTEN:
Q State your name? A William Bird.
Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 18; that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Departmental letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearing are not required previous to the introduction of such witnesses.

On behalf of the Commissioner: The records of this office show that under date of June 18, 1906, there was received a letter from Messrs. Starr & Patten, Attorneys in this case, dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al., the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to reopen the case, in sufficeient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., in view of the advise to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Nation will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q State your name? A Jennie Downing.
Q How old are you? A About 54 years old.
Q What is your post office address? A Catale.
Q Where were you living in the latter part of the year 1866? A The latter part.
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.
Q Are you a duly enrolled Cherokee Freedman? A Yes sir.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A Returned back here in 1866.
Q Who did you come back with? A With Andy Frye, my Uncle.
Q How were you acquainted with Mose Hardrick before the war? A No sir.
Q When was the first time that you remember of seeing Mose Hardrick after the war? A I remember seeing Mose Hardrick after the war was down at the old Johnson Thompson place.
Q Which side of the Grand River is that place on? A It is on the east side.
Q Did you know Jeff Lyon about that time? A Yes sir.
Q When was the first time you saw Jeff Lyons after the war? A At the same place.
Q About what time was that? A It was in the winter time.
Q Of what year? A 1866.
Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.
Q That is when you saw Jeff Lyons? A Yes sir.
Q And did he move over on that Thompson place? A Yes sir.
Q Did Mose Hardrick move over there before or after Jeff? A After Jeff, he was there first.

Q How long after Jeff Lyons moved on that place did Mose Hardrick move there? A I don't know.
Q Was it a long time or short time? A It wan't so very long after he come I don't suppose. I would not be positive just how long.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Cynthia Lynch? A Yes sir.
Q Did they have a school anywhere in that neighborhood about that time? A Yes sir.
Q Where did they have that school? A At old Johnson Thompson's place.
Q Who taught it? A Cynthia Lynch.
Q What time? A In the spring.
Q Do you know about when that school started? A No sir, it was in the spring.
Q Did Mike Moore go to that school? A Yes sir.
Q Did you? A Yes sir.
Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, Mike went there then.
Q And that was when? A That was in the spring.
Q Of what year? A '67 or '66, '67 I think it was.
Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
Q When was that? A In March.
Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Rowe.

BY MR. HASTINGS:
Q Mose Hardrick ever lose any other children? A Any of his children.
Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
Q After that? A Just before or after that.
Q What year did the other one die? A I don't know.
Q Don't have any idea about that? A No sir, I don't know.
Q You don't know whether it was one year before, or two years after?
A No sir, I don't.
Q It may have been 5 years afterwards? A I couldn't tell.
Q You have got no idea about that? A No sir.
Q You had no education before this, you couldn't read and write at this time? A No sir.
Q You would not like to be positive about this like that? A no sir.
Q Did Mose Hardrick lose any children? A Not that I know of.
Q Did Jeff Lyons ever lose any? A Not that I know of.
Q Did Nels Moore ever lose any? A Not that I know of.
Q Did anybody else in that country ever lose any? A Not at that time you speak of.
Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children die?
A They had some to die.
Q Who? A I don't know, Mose Hardrick might have lost some too.

Q Well how long afterwards? A I couldn't tell you.
Q Don't you know the date Mose lost his children? A No sir, I don't.
Q But they were after that time? A Yes sir, I suppose they were.
Q Well how long did you live there in that neighborhood after that?
A Why we moved ~~from~~ away from there, we didn't live so long awhile before we moved away.
Q About how many years? A I guess it was a year, or it may have been a little longer.
Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
Q Probably two years? A Yes sir, before we moved away from there.
Q How far did you move from there? A I don't know.
Q In the same neighborhood? A No sir, we moved on the Filmore Hicks place.
Q How far from this Thompson place? A I don't know just how far?
Q About 5 or 6 miles? A Yes sir, I guess it was.
Q Do you know what year you moved down there? A No sir, I don't.
Q How long did you live down there? A About two seasons.
Q Do you know what year you left down there? A No sir.
Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
Q Were you married afterwards or were you married at that time?
A Married afterwards.
Q What year were you married? A I was married in, I would not be positive, I was marriedin '74.
Q You would not be positive about that? A I think it was.
Q Do you know what year they made the Wallace Roll? A If I mistake not I think it was in '95 or '96, something like that.
Q That is when they made the Wallace Roll? A I think it was.
Q Now when did they make the Kern-Clifton roll? A I disremember, I wont be positive about that.
Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
Q In that same year of 1880? A I think they paid off money that year.
Q What time of the year? A I don't remember.
Q You don't recollect it? A No sir.
Q Don't know whether it was spring, fall, summer or winter? A No sir.
Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
Q Don't you have any idea? A No sir.
Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
Q He was afterwards a merchant up there? A He was?
Q Wasn't he? A I suppose so.
Q Don't you know that? A They say he was a merchant.
Q Didn't you ever see him? A I saw him at a distance but never went to his store.
Q Didn't you ever know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the east side of the river.
Q How far were those two places apart? A They are not very far apart, the river is between them.

Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
Q Don't have the slighest idea about it? A I could have a slight idea but that would not do me any good to tell it.
Q What is your judgment about it? A I don't know, I couldn't tell you.
Q You have got no judgment at all about it? A When he returned? Yes? A No sir, I have seen him.
Q How did Mose come down there? A I couldn't tell you.
Q You don't have any idea? A No sir.
Q Did he have a wife? A Not when I saw him.
Q Well how many years afterwards before he brought his wife? A I couldn't tell you.
Q As much as 3 or 4? A I don't know.
Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
Q How many years after that before you saw his wife and family?
A I guess probably a month, or two or three months when I saw his family.
Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
Q When did you leave the Dr. Thompson place. A I don't know.
Q How long after Christmas? A Quite awhile.
Q Two or three months? A I couldn't tell just when it was we left that place.
Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
Q There on the Thompson place? A Yes sir.
Q You said that started up in March, so you were atill on the Thompson place in March? A Yes sir.
Q And you yet hadn't seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aunt's before.
Q That was after you left the Thompson place? A Yes sir.
Q Then that was after March? A I suppose so, when I saw his wife.
Q Then he didn't have any wife there when you first saw him? A No sir, I saw him personally.
Q Anybody else with him? A Nobody with him when I saw him.
Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
Q Where did he come from? A Come from across the river when he come there.
Q He wasn't living in that house? A No sir, not the first time.
Q He wasn't living there until after you left? A After we left he moved there.
Q Anyhow up until the timeyou left and you stayed there until after March, 1867, he never lived in that Dr. Thompson house?
A No sir, he wasn't there when I left, I suppose he moved in after we left.
Q Well you never saw Jeff Lyons there at all? A Yes sir.
Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
Q Did he have his wife? A Yes sir.
Q The first time you saw him? A Yes sir.
Q Where were they living? A Right there on the same place.
Q On the Thompson place? A Yes sir.
Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
Q That was Jeff? A Yes sir.
Q What was Jeff's wife's name? A Patience.

Q That was Jeff Lyons' wife? A Mahala I mean.
Q Now you say it was Mahala, you see her? A Yes sir.
Q Did you see Butler McNair there? A No sir.
Q You didn't see Tom Moore? A No sir.
Q They never come there whil you were at the Thompson place? A No sir.
Q Now if I recollect right, you lived there at the Thompson place until after they started school there and then afterwards moved down on the Downing place? A No sir, I didn't move down there, just went down there to stay a week or two with my aunt.
Q You don't know where Mose come from when he come there? A No sir, I don't.

ON BEHALF OF THE COMMISSIONER:
Q How old are you? A I am 54 years old.
Q Your post office Catale? A Yes sir.
Q Are you a Cherokee freedman? A Yes sir.
Q Have you got any children? Yes sir.
Q What are their names? A Louvina Downing, Henry, Walter, Maggie, and Lydia.
Q Are they enrolled with you? A Yes sir.
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

W I T N E S E X C U S E D .

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Bean.
Q What is your age? A 60.
Q What is your post office address? A Chaffee.
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know his wife, Jeff's wife? A Yes sir.
Q Where were you in the year 1866? A I was down here.
Q Down here? A Down here in the Nation.
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.
Q You were in the Horse Creek fight? A Yes sir.
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight. as well as I remember.
Q Where was he then? A He was there on Grand River.
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.
Q How long after the Horse Creek fight was it when you saw them?
A I don't just remember how long it was, a month of such a matter, maybe have been longer.
Q It may have been a month or six weeks after the Horse Creek fight?
A Yes sir.

BY MR. HASTINGS:

Q Where did you see them? A At the Dr. Thompson place.
Q They were living there with their wives? A No sir, I didn't see their wives.
Q Didn't have their wives? A Not over there.
Q How long did you stay there? A Just a very short while, about two or three hours.
Q You are not exactly positivr as to the time you saw them? A Not exactly positive as to the time.
Q No? A I am positive it was the same time right after the Horse Creek fight.
Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know the date when it was.
Q You were a slave? A Yes sir.
Q You couldn't read and write at that time? A No sir.
Q You didn't have any education at all? A No sir.
Q How many years afterwards before you saw Moses wife, as many as two or three years? A No sir.
Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about ----
Q As early as October? A Yes sir.
Q Well, it was before it got cold weather? A Yes sir, when I first seed Mose.
Q The leaves were not dead on the trees then? A About, just about the first forst.
Q But you didn't see Moses' wife? A No sir, not at that time.
Q Was he living here at that time? A Don't know as he had, I don't think he was.
Q You don't think his family was there? A No sir, I don't know as it was.
Q Did you know Mose before the war? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
Q You didn't see Jeff Lyon's wife? A No sir.
Q Make any inwuiries about her? A No sir.
Q Did you know her before the war? A Yes sir.
Q What year was the Wallace roll made? A I don't just remember.
Q You are not good on dates anyway? A No sir, I aint good on remembering, picking up everything.
Q Old slaves don't remember these dates very well? A Old slaves remember one thing in this country, about when I 6 was.
Q You all remember 1866AA I do.
Q You all know you have got to testify as to 1866? A Yes sir.
Q And that has been talked to you for 10 or 1 years? A Yes sir.
Q It was talked to you when the Wallace roll was made? A Yes sir, before that.
Q What year were you married? A I don't remember, never kept no record of it.
Q Have you got any children? A Yes sir.
Q Do you know what year the first one was born? A No sir.
Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
Q You don't know when your second child was born do you? A No sir, I don't remember.
Q How many did you have Joe? A I believe I have got 14.
Q You don't know when any of them were born? A I don't remember the year they were born. The children got so they could read they put it down, I didn't keep no trace of it, I didn't have to.
Q So you don't know about any of the dates of their birth? A I don't remember.
Q Did you ever lose any children? A Yes sir.
Q Was it your oldest one? A No sir.

Q You don't remember what year it died, do you? A No sir.
Q Did you lose more than one? A Yes sir.
Q How many have you lost Joe? A 8.
Q You have lost 8? A Yes sir.
Q You don't mean you have got 14 living? A No sir.
Q Had 14 all together and have lost 8? A Yes sir.
Q Do you know the year any one of them died? A No sir.
Q You don't know any of these years do you? A Yes sir. I don't really keep track of none of the years now, but I had to keep track of '66.
Q That is all you kept track of? A That is all I tried to keep track of.
Q Who come to you and talked to you about testifying in this case? A Nobody.
Q Nobody never talked to you at all as to what you would testify?
A I don't remember any person.
Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
Q Well now you are positive about that? A No sir, I aint positive about it.
Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Mose, I believe it was Mose asked me if I would testify in his case.
Q When did you see Mose, yesterday? A I saw him yesterday and I saw him sooner.
Q When did he first talk to you about testifying in this case?
A It has been about two months ago.
Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
Q And you don't remember how long it was after you first saw Mose before you saw his wife? A No sir, I don't remember how long it was.
Q May have been two or three years? A No sir, it wasn't that long.
Q May have been a year? A I don'r think it was that long.
Q You are not going to be positive about that? A No sir, I wont be positive.
Q How long was it before you saw Jeff's wife after you saw Jeff?
A Saw them about the same time.
Q The two women? A Yes sir.
Q Did they have any children then when you first saw them? A Yes sir.
Q Now what children did Mose have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the men and I never paid any attention to the children.
Q Did Jeff have any children? A Yes sir.
Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
Q How far did you live from the Dr. Thompson place? A 8 miles.
Q Were you ever up there after October? A Yes sir.
Q When was the next time you were up there? A It as -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
Q March, April or May? A Yes sir, it was in May, I think as well as I remember. Corn was up pretty good.
Q Do you know this woman who left the stand, Jennie Downing? A Yes sir.
Q Did you see her there when you were there the first time? A I don't remember.
Q Did you see Nels Moore? A I don't remember seeing him.

Q Did you see Tom Moore? A I don't remember.
Q Did you see Butler McNair? A No sir.
Q On whose place did you live 8 miles south? A I stayed on Crap Lynch's place.
Q Was Crap down there at that time? A Yes sir, he was on the old---
Q Arsenie place? A No sir, it is the old Landrum place. Charles Landrum.
Q Did you know Johnson Thompson? A Yes sir.
Q Was he living up there just across the river from this Dr. Thompson place? A I didn't see him.
Q Did you see him the next spring? A No sir.

BY MR STARR:
Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth of the witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir.
Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:
Q Have you ever testified in this case before? A No sir.
Q How far do you live from Mose Hardrick now? A 40 miles I reckon.
Q Have you lived that distance from him for the last 5 years?
A Yes sir.
Q Have you seen him frequently during that time? A Yes sir, I have seen him.
Q Did you see him a number of times when the Commission was making the Cherokee roll out in camp? A Yes sir.
Q Did he ever say anything to you at that time about getting you to testify for him? A No sir.

WITNESS EXCUSED.

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A Zep Downing.
Q About how old are you? A About 50 years old.
Q What is your post office address? A Catale.
Q Where were you living in the winter of 1866? A I was living On Grand River.
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
Q Did you know Jeff Lyons before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q And Tom Moore? A Yes sir.
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time, along about winter, something long after February, '66, something along there.

Q February, 1866? A Yes sir, as near as I can come at it, along in the winter.
Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
Q Where did you see him? A I saw him up there at the Thompson place.
Q What Thompson place? A Dr. Thompson place.
Q Did you ever go to school there? A Yes sir, I went to school there.
Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
Q When was that school going on there? Something along near that time or little after, along about that time.
Q About what time? A February or March, something along there.
Q Now that was February or March of what year? A '66, that is as near as I can come at it.
Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
Q When was the first time you saw Mose Hardrick? A It was sometime shortly after that. I just don't exactly know the date but a short while after, I saw Mose Hardrick, must have been along in the latter part of that month, but it was shortly afterwards, it was in the winter.
Q Were they moving in there or living there? A They were moving in.
Do you know where they were moving in? A They were coming from across the river.
Q You say that that was in February, or about February I believe, 1866? A Yes sir.
Did that follow the year 1865 or was it,-- I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
Q That followed then the Christmas of 1865? A Yes sir.
Q That followed the fall of 1865? A Yes sir.

BY MR. HASTINGS:
Q Can you read and write? A No sir.
Q Never could read? A No sir.
Q You were a slave yourself? A Yes sir.
Q Did you know Jennie Downing, who was on the stand? A Yes sir.
Q She is your wife? A Yes sir.
Q Where we e you living at the time you say you saw Jeff Lyons first?
A I was living down in the bottom below old Dr. Thompson place.
Q How far? A About 3 miles.
Q Did you see Andy Frye up there at that time? A Yes sir.
Q Did you see Nels Moore up there? A Yes sir.
Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Is Jennie your wife now? A Yes sir.
Q Do you live together? A Yes sir.

BY MR. PATTEN:
Q When did you come down here Zeb? A I come here in the early part of 1865 or '66.

Q Now which was it? A Which?
Q When did you move on that Thompson place or in that neighborhood where you were living? A In '65.
Q What time of the year? A Along in the fall. My father was alre ady living there.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q You are certain that that was February 1866, and not February 1867? A It was February '66.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Thomas H. Moore.
Q What is your age? A 55.
Q What is your post office? A Ketchum, I.T.
Q Are you acquainted with the applicant Moses Hardrick? A Yes sir
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.
Q Where were they located? A One is on the south side of Grand River and the other on the northwest side of Grand River.
Q Do you know where the Dr. Thompson place is located? A Yes sir.
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.
Q Now where is the other one? A I would call it on the north side the way the river runs.
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.
Q Did you see Jeff Lyons any time after the close of the Civil war?
A Yes sir.
Q Where did you see him? A At the Dr. Thompson place.
Q When was that? A In the winter of '66.
Q What time in the winter? A Sometime along after Christmas.
Q How long after Christmas? A A short time.
Q Well about what month was it? A About in January I reckon.
Q Where was he then? A He was up at this Thompson place.
Q Did you see Mose Hardrick? A Yes sir.
Q When was that? A He lived at that Thompson place too.
Q What place did he live on? A He lived on the same place.
Q That is onDr. Thompson's place? A Yes sir.
Q When was it you saw him there? A It was along that same spring and winter.
Q What kind of a house was there on that Dr. Thompson place? A Brick house.
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.
Q Who else? A Mose Hardrick lived in one.
Q Who else? A Jeff Lyons lived there.
Q Any one else? A Tobe Schrimsher.
Q Who else? A Peter Williams.
Q Butler McNair there? A Yes sir, and Uncle Tom lived there.
Q What time was it that Andy Frye went into that house? A In the fall.

Q Of what year? A '66.
Q He lived there that winter did he? A Yes sir.
Q Now was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.
Q Was there any school taught there? A Yes sir.
Q Who was the teacher? A Mrs. Lynch now, she was---
Q What is her first name? A Cynthia Lynch.
Q Did you go to that school? A Yes sir.
Q Do you remember Mike Moore, whether he went to that school or not?
A Yes sir.
Q When did he go to that school? A That spring of '67 as near as I can remember.
Q Did he go all of the session? A Yes sir.
Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.
Q Do you know who dug the grave? A Uncle Jeff Lyons and my step-father.
Q When did you see Butler McNair around there? A That was some time in the early part of that same spring, they were farming there all making crops there.
Q Did Butler McNair have his wife with him when he come down here?
A No sir, I don't think he did.
Q When did she come? A I don't know.
Q Did you ever see her? A Yes sir.
Q When? A Why later, after that.
Q Good while afterwards? A Yes sir.
Q Did old man Tom Moore bring his wife down there when he first come? A No sir.
Q When did she come? A I think the next fall after he made a crop.
Q Did he go back to Kansas and get her? A Yes sir.
Q Where did Butler McNair move when he left the Dr. Thompson place?
A Down the river some place to the old home place where he used to live.
Q Where did Tom Moore go to from there? Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:
Q What year were you born? A 1851.
Q You was just a boy then at the close of the war? A Yes sir.
Q You were a slave were you? A Yes sir.
Q Could you read or write when the war closed? A I couldn't very much, have learned a little since then.
Q I said when the war closed? A No sir.
Q Did Andy Frye have any children to die besides Harvey? A I don't know.
Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.
Q How long after Harvey died? A I don't know.
Q Two years or 10? A I don't know.
Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.
Q Do you know who dug the grave? A I wasn't there. I was at the burying.
Q At the other children? A I was at the burying when they buried Joe.
Q Was he a girl or boy? A He was a man.
Q Do you know when he died? A I don't know the year.
Q But you were at his burial? A Yes sir.
Q You were there in the neighborhood when he died? A Have been there all my life.
Q You don't know who dug that grave? A The neighborhood dug it there no certain person.

Q Well did Mose Hardrick have any children to die? A Yes sir, he has got dead children.
Q What were their names? A Got one dead named Winnie.
Q Now who dug these graves for Mose Hardrick's children? A Why all the neighborhood, the men around there.
Q You don,t know who did it? A Just all of us.
Q No particular one? A No sir, whole lot of us.
Q What year was it? A Somewhere away back yonder in them days.
Q Can you come in 10 years of when either of them died?
A This girl when she died she was about grown, and I guess it has been about that long since she died.
Q It has been about that long? A May be longer, I dan't know.
Q I am asking you if you can give us an estimate of within 10 years of when she died? A I don't know when she died or anything like that.
Q Didn't keep any record of these dates? A No sir.
Q Are you related to Mose Hardrick? A No sir.
Q Are you related to Jeff Lyons? A No sir.
Q Are you related to these Moore children? A Yes sir.
Q Do you know Mike Moore? A Yes sir.
Q What kin is he to you? A Yes sir.
Q You knew his mother Mahala? A Yes sir.
Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
Then about how old was Mike when the war closed? A I don't know, might have been 7 or 8 years old, maybe older, I don't know.
Q What is your best judgment? A About 8, maybe 10.
Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
Q You don't know what year he was born? A No sir.
Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
Q What place did you come to? A Stopped at Johnson Thompson place.
Q How long did you stay there? A About four weeks.
Q Then where did you go? A Moved across the river to the Bob Daniels place.
Q Was that across the river? A Yes sir, on the south side of the river.
Q How long did you stay there? A I don't know exactly how long we stayed there, just a short time.
Q Where did you come to from there ,? A Fort Gibson.
Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
Q Stayed there from thewinter of 1866 until the spring of 1867?
A Stayed there until the spring of '66, until the winter of '66 to the spring, then we moved back.
Q Then you remained in Fort Gibson until the spring of '66?
A No sir, we were up-------
Q How long did you remain in Fort Gibson? A Stayed there,--We remained there a couple of months maybe a little longer, I don't know.
Q Well what time did you go there? A Went there that winter. winter after Christmas and stayed there until spring, then we moved back up to this Daniels place.
Q To the Bob Daniels place? A Yes sir.
Q Which Bob Daniels place did you move to? A The one on the east side of the river.
Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

Q Now about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
Q Did you make a crop there in the spring of 1866? A Yes sir.
Q Where were you in the spring of 1867? A There on this same place.
Q Did you make a crop there in the spring of 1867? A Yes sir.
Q When did Bob Daniels come back? A In the fall of '66.
Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
Q About what month? A I don't know what month.
Q What was Bob Daniels' wife's name? A Ann Daniels.
Q Did he have any children? A Yes sir.
Q What were their names ? A One, Dick, Tommy, Isaac.
Q Mrs. Strout one of them? A Yes sir.
Q She was up there when you moved out? A Yes sir, and Susie was one of them.
Q They moved in there in the fall of 1866 when you moved out?
A Yes sir.
Q About what month was that? A It was in the fall.
Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
Q What time was it Jeff come there? A In the winter.
Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and these others?
A They were all living there.
Q Haven't you already swore that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
Q Well now you moved out of the Bob Daniel house in the fall of 1866? A As near as I remember.
Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place ? A Yes sir, a little bit of a house.
Q A log house or cabin? A Yes sir.
Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
When you saw Jeff and his wife and Mose Wardrick and Mose's wife, is that the way of it, along about Christmas time? A They all lived there before that.
Q Haven't you swore that you never saw them until the winter? A Saw them the winter of '66 .
Q Haven't you swore that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
Q Now don't the fall come before winter? A Yes sir.
Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that: Them people were all living there before we moved out.
Q You moved out of the house in the fall of 1866? A Yes sir.
Q You are a half brother of Mike, are you? A Yes sir.
Q Are you any kin to Nels? A Yes sir.

Q Have you and Nels been discussing the case? A No sir.
Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether ou did or not.
Q Were you not? A I don't know.
Q Do you deny talking about it? A No sir, might have been talking about something else.
Q This same man Nels is a witness here? A Yes sir.
Q You have talked about it? A Yes sir.
Q You and Andy Fry have talked about it? A Yes sir.
Q Are you married? A Yes sir.
Q Certain of that? A Yes sir.
Q I am glad you are certain of something. What year were you married? A Married in '91.
Q Was that the first time you were ever married? A Yes sir.
Q Then you lived single up until that time? A Yes sir.
Q Just went from place to place up there? A No sir.
Q Do you know when the Wallace roll was made? A Yes sir.
Q What year? A Made in 1889.
Q Who told you? A I was there.
Q Did Cele Starr tell you today? A No sir, I was there.
Q Was he ever told you? A Was he?
Q Yes, in the last few days? A No sir, he didn't tell me.
Q Was it ever been discussed? A No sir, I don't know nothing about it.
Q Was it ever been discussed in your presence and hearing? A I have been knowing it.
Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
Q Then where did you go? A Right where we have been living ever since.
Q How far is that from them? A About three miles.
Q What direction? A Why it is northeast.
Q What time did you move up there, what time of the year? A We moved up there in the ~~xx~~ spring.
Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
Q It is a long time ago aint it Tom? A Yes sir.
Q You were a small boy at that time? A Yes sir.
Q You had no reason to fix these thin s on your mind and you didn't know you weregoing to testify about 40 years afterwards? A No sir.
Q You might be mistaken about it? A Yes sir.

BY MR. STARR:
Q When did you say you were born? A '51.
Q You were about 15 years old at that time? A Yes sir.
Q How was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall--
Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
Q Where were you living when Harvey Frye died? A Living where I live now.

Q Well now at this time that Harvey Wrye died were you going to school at this Dr. Thompson place? A Yes sir.
Q Was Andy Wrye and his family living in the Dr. Thompson house then? A Yes sir.
Q How about the school when Harvey died, did they teach school that day? A No sir.
Q Turned out school on that occasion? A Yes sir.
Q Did the pupils going to school attend the funeral? A Yes sir.
Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On Behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to ~~sk~~ school.

BY MR. HASTINGS:
Q That was after you moved off of the Bob Daniels place? A Yes sir.
Q And that was after Bob Daniels had moved into the same house you moved out of? A Yes sir.
Q About how long after that? A It was along in February, that spring, the spring of '67
Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir.
Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:
Q When did Bob Daniels move up there? A He moved there that fall we moved out as near as I remember.

W I T N E S S E X C U S E D .

SIMON LYNCH, being first duly sworn, testified as follows;

BY MR. PATTEN:
Q What is your name? A Simon Lynch.
Q How old are you? A 76.
Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:
Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
Q Convicted? A Yes sir.
Q Served your time? A No sir, I didn't.
Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was reprieved.
Q Didn,t you work it out for individuals and you worked for Johnson Thompson at Tahlequah? A I was reprieved by the Chief.
Q Did you ever swear that before on the stand? A No sir, but I was.
Q What year was that? A I don't know what year it was.
Q Was it since the war? A Yes sir.
Q How long after the war? A I don,t know.
Q Don't have any idea? A No sir.
Q Was it after the Cherokee Jail was built or before? A Afterwards.
Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
Q How long were you sentenced down there? A Year
Q What Judge tried you? A I forget what one it was.
Q What Chief reprieved you? A Ochelata.

BY MR. PATTON:
Q You testified I believe didn't you in the Mayfield that you were pardoned by Ochelata? A Yes sir.
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q Jeff Lyons? A Yes sir.
Q Tom Moore? A Yes sir.
Q Do you know k when was the first time you saw Mose Hardrick after the close of thewar, about the time? A I don,t know exactly the time.
Q When was it and where was it? A Upon Grand River.
Q About what time of the year? A About in February, I believe, the first of February I think I saw Mose first.
Q Where was he living? A Living over th re at Dr. Thompson place right close there in a house.
Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
Q That was about when did you say? A Just awhile before Christmas.
Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that ondifferent sides of the River? A Yes sir.
Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:
Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
Q You don't know what year you were reprieved? A No sir, I don't I can't keep no record of that, never did, couldn't.
Q Couldn't do that? A No sir.
Q You don,t know one year from another, do you? A Yes sir, I do.
Q Can you read and write? A No sir.
Q You were a slave yourself? A Yes sir, I was.
Q Do you know this Tom Moore that was on the stand awhile ago? A Yes sir.
Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place thereon the river with his mother and father.
Q Did he move out of there in the fall of 1866? A Who?
Q Tom Moore? A I don't just know when he did move out of there.
Q You don't remember about that? A No sir, I lived atanother place.
Q How far did you live from there? A About four miles.
Q Were you married then? A Yes sir.
Q Have you had any children born since? A Yes sir.
Q Since then? A Yes sir.
Q When was the first one born A I don,t know that.
Q How many have you had born since the war? A Three I believe.
Q When was the second one born? A I don't know, I can't tell you.
Q When was the third one born? A I don't know that either, never kept norecord of no time.

Q Did you ever have any renters on your place? A Yes sir.
Q What renter was on there in 1883? A I don't know.
Q What renter was on there in 1876? A Nare one, myself.
Q Was any there in 1896? A Yes sir.
Q Do you know when Bob Daniels come back up there? A Yes sir.
Q When? A I don't know when it was, I know he come back up there.
Q On the Bob Daniels place? A Yes sir.
Q Why don't you know when it was, you were in that neighborhood?
A I can't keep no record of anything of that kind. How is I know how old I am is about my owners putting it down.
Q That is about the only date you know? A No sir.
Q You know what year Johnson Thompson come back up there? A I know when he first come.
Q What year did he move up there? A Idon't know, I seen him when he first come.
Q What year did he move his family up there? A I don't know.
Q You were just acquainted with him before the war ? A Yes sir, knowed him good.
Q He moved right across the river from Dr. Thompson's place? A Yes sir.
Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.
Q Could you tell within two or three years of when he come? A No sir, I don't believe I could.
Q You couldn't tell within two or three years when Bob Daniels come? A I don't know when he did come, he come way after we did.
Q What year was it that Tom Moore moved off the Bob Daniels place?
A I don,t know.
Q Haven't any idea about that? A No sir.
Q Well was Butler McNair living there at the same time you first saw these people? A We come in about the same time.
Q Before Christmas, 1866? A Yes sir.
Q What was Butler's wife's name? A We didn't bring her there with him, he left her in Kansas and come down here and made a crop.
Q What was her name? A I forget her name.
Q Did Jeff bring his wife? A No sir.
Q Left her in Kansas did he? Yes sir.
Q Left Mike in Kansas too? A I don't recollect about Mike.
Q You don't never remember seeing Mike? A Yes sir, I do.
Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.
Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.
Q Well how long after Jeff and Mose come before they brought their families? A After they made a crop, the next fall.
Q When did Tom Moore bring his family? A Fetched them together.
Q In the fall? A Yes sir.
Q So none of them didn't bring their families until the next fall?
A Uncle Butler didn't, the balance did.
Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. Them other two didn't bring their families.
Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.
Q What was her name? A Mahala.
Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.
Q Did you ever see him after that? A Yes sir.
Q How long after that? A I don,t recollect.

Q A year? A It might have been a year and it might not.
Q When did you see Moses family? A I seen them right along all the time ever since in the fall.
Q Did he have his wife with him? A Yes sir.
Did Mose live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.
He never lived in a main house there? A I don't know nothing about that.

W I T N E S S E X C U S E D.

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Tobe Bean.
Q What is your age? A About 70.
Q What is your post office? A Fetchum.
Q What is your citizenship, are you a citizen of the Cherokee Nation?
A Yes sir.
Q Where were you in the fall of 1866? A Down here on Grand River.
Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Acquainted with Mose Hardrick? A Yes sir.
Q Did you know Mike Moore ? A Yes sir.
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil War? A About in '67.
Q What time? A In February.
Q Where was he at that time? A Over there at that Thompson place in the brick house.
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn,t see her at that time.
Q Did you see Mose Hardrick over there? A Yes sir.
Q When was that? A The same time I saw Jeff.
Q What time was that A In February.
Q What part of February? A Along about the first of the year.
Q The first of February of 1867? A Yes sir.
BY MR. HASTINGS:
Q Tobe you were a slave before the war? A Yes sir.
Q Your name is Tobias Bean? A Yes sir.
Q You never went to school any? A No sir.
Q You didn't at the close of the war know one year from another?
A Only people would tell me.
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.
Q Never kept any record? A No sir.
Q And you haven't kept any record of this transaction? A No sir.
Q You are just testifying independently of any record? A Just what I know.
Q Did you know young Tom Moore who has testified in here today?
A Yes sir.
Q Where was he living when you first saw Jeff Lyons and his wife?
A Over there on the other side of the river.
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.
Q On the Dr. Thompson place? A Yes sir.
Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Frye's house.

Q Where did you see Tom Moore, this fellow that testified? A He was there in the nieghborhood somewhere.
Q Atwhat place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
Q What was his step-father's name? A Lewis Rose.
Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
Q When was that? A Must have been in '67
Q What time of the year? A Along in the spring I guess.
Q Had he moved out of this place before you saw Jeff Lyons and Moses Hardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
Q Just happened over there by accident? A I had some business there.
Q You saw Jeff's wife? A I don't think I did.
Q Never saw Moses's wife there? A No sir.
Q It has been a long time ago hasn't it Tobe? A Yes sir.
Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mighn't he? A Yes sir, sometimes.
Q Have you had any children born since the war? A Yes sir.
Q What year was the first one born? A In '66.
Q What time in 1866? A In April.
Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '80 I think.
Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
Q When was the next one born? Waht year? A '78 I think.
Q Which comes first, '78 or '80 A '78.
Q Well I thought you said just now the one born in '80 was first? That one was born,--the girl was born in '80, the boy was born about '78.
Q Now how far is the Johnson Thompson place from this Dr. Thompson place? A A couple of miles the way you go around.
Q Just across the River aint it? A Yes sir.
Q When did Johnson Thompson come back? A I don't know.
Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn,t live right close to where he lived.
Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
Q You didn't see Moses's wife when you went up there? A No sir, not the first time.
Q How long was it that you did see his wife? A It was a way along in the spring.
Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
Q Now you just remember of your own independent recollect of seeing this fellow when you passed there? A I stopped and talked with him.
Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
Q Who else that didn't live there? A Uncle Lewis Rowe.
Q Up at the Dr. Thompson place? A Yes sir.
Q Live there? A No sir, I just went there and stopped and saw him there.
Q In 1867? A Yes sir.

Q Where were you going? A Up to Andy's.
Q I thought you said you were passing there? A I did pass there.
Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
Q Don't you know Rose and his wife was living in the house then?
A No sir, I never went in the house.
Q Did you see Tom Moore and his wife there, old Tom and his wife?
A I don't recollect seeing them.
Q Didn,t recollect seeing Butler and his wife? A No sir.
Q You don't recollect that? A No sir.
Q You testified before the Commission at Chelsea on June 12, 1901; in the matter of the application of Ben Adams didn,t you? A Yes sir.
Q You testified that his father's name was Warren Adams? A Yes sir.
Q You testified that his mother's name was Ibbie? A Yes sir.
Q And you testified they they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
What time did you say you saw them? A In the early spring.
Q What month? A In March.
Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer " Yes sir." "Where did they go up on Grand River," "How do you know they returned in 1866," Answer,"I saw them," I will ask you if you didn,t testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
Q You can say yes or no? A It was '67 I testified to.
Q You swear you didn't say it then? A Well I swear it---
Q And you don't know when Bob Daniels come back? A No sir.
Q And you don't know when Johnson Thompson come back? A I was living down the river.
Q They located within a mile of this Mr. Thompson place? A Yes sir.
Q And you can't tell within a year of when they come? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't ~~ex~~ recollect of these things like you folks.
Q Who asked you first to testify in this case? A don't know who. I have been testifying ever since Bob Daniels court.
Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
Q Bob Daniels was an educated man? A Yes sir.
Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

W I T N E S S N E L S O N M O O R E .

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McClair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Nelson Moore.
Q What is your age? A Will be 53 my birth day.
Q What is your post office? A Ketchum.

Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Were you acquainted with his wife? A Yes sir.
Q What was her name? A Wahala.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Are you acquainted with the applicants, Altha and Oscar Moore?
A Yes sir.
Q Who is their father? A Mike Moore.
Q Are you acquainted with Butler McNair? A Yes sir.
Q Acquainted with his wife? A Yes sir.
Q Acquainted with Tom Moore? A Yes sir.
Q His wife? A Yes sir.
Q Did you see Jeff Lyons after the close of the Civil War in the Cherokee Nation? A Yes sir.
Q When was that ? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
Q The latter part of December, 1866? A Yes sir.
Q Or January? A Latter first.
Q The following January after December, 1866? A Yes sir.
Q Where was he then? A On the Dr. Thompson place.
Q Who did he have with him? A His wife, Wahala, and Mike Moore.
Q And who else? A A girl named Anika, his stepdaughter.
Q How long did he stay over there? A Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
Q How long did he stay on that Dr. Thompson place? A He made a crop there.
Q That year did he make a crop on the Dr. Thompson place? A '67.
Q Did you see Butler McNair at any time down there? A Yes sir.
Q When was that? A That was in the same year.
Q What time did he come? A He come along about the winter time too.
Q Who came with him? A Uncle Tom.
Q Tom who? A Moore.
Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
Q Did he come the same time Jeff Lyons came? A Yes sir.
Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
Q When did Butler McNair's wife come? A The same time after they made a crop in '67.
Q Where did Tom Moore move to after he left Dr. Thompson's place?
A Right out about a half mile south of there and made a new place there.
Q Make a place of his own? A Yes sir.
Q How long did he live there ? A Why he lived there up until he died in '85.
Q You say a girl named Anika was staying with Jeff Lyons? A Yes sir
Q Did you see a woman named Peggie Durant with that crowd? A No sir.

BY MR. HARRISON:
Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February , 1902, are you? A Yes sir, I guess I am the same fellow.
Q You gave your age at a years ago as being 48 and your post office Ketchum? A Yes sir.
Q And your District Delaware District? A Yes sir.
Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
Q Are you related to Mike Moore? A He is a half brother of mine.

Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S E X C U S E D .

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PATTON:
Q State your name? A Arthur Bean.
Q How old are you? A 63.
Q What is your post office address? A Chaffee, Indian Territory.
Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Tom Moore? A No sir, I not acquainted with him since the war.
Q Do you remember of seein Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas while.
Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
Q You mean the winter? A Of '66.
Q You meanti! was following the Christmas of '66? A Yes sir.
Q Where did you see him? A Down to,--I seen Mose down in that country.
Q Mose who? A Mose Hardrick.
Q Where did you see him? A Down to Uncle Fred Martin's.
Q Where is that? A Down to Greenbriar.
Q Where was Mose living at that time, do you know? A He said up in the Arsenic settlement.
Q Where was it? A About 8 miles above where we were.
Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. A I didn't see Jeff the time I seen Mose, saw Jeff later on.
Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad griffin was his name, he lived across the River in the Six Mile Bottom.
Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
Q Of what year? A '67 I guess.
Q Do you know where Tom Moore and Butler Nowair were at that time? A No sir.
Q When was the first time you saw them? A I never seen them until way after that.
Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:
Q You never saw neither Mose nor Jeff until February, 1867? A Yes sir.
Q That is your first time? A Yes sir, as well as I recollect.
Q You are now testifying from your independent recollection, you havent got anything to guide you by? A I never did have nothing to guide me by, only what I have to testify about.

Q That has been a long time ago? A Yes sir, so it has.
Q And it is pretty difficult to testify about things that happened, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
Q Can you read and write? A No sir.
Q You were a slave before the war? A Yes sir.
Q Where was this young Tom Moore living when you first saw Mose and Jeff? A I don't know sir, he must have been living with his Uncle Tom.
Q Were you acquainted with Mose before the war? A Yes sir, lived about two miles of him.
Q Before the war? A Yes sir.
Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
Q And Joe? A Yes sir.
Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Mose asked me to come down on his case.
Q When? A About a year ago I guess. I never went before the Commission on Moses case at all and he asked me to testify for him in the case.
Q Where were you when he asked you? A I don't know where we met very frequently at Winita.
Q What month was it he asked you to testify? A I don't remember what month that was.
Q And that was about a year ago? A Yes sir, and I didn't know any more about the case until he come to me and told me.
Q You don,t remember what month it was? A No sir.
Q If you can't remember a month that happened a year ago, how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
Q You were about 23 years old then? A Yes sir, I guess so.
Q Are you married? A Yes sir.
Q When were you married? A I guess in about '66, I guess or '67 :
Q You don't remember the year? A No sir.
Q You couldn't tell that? A I couldn't tell, I have got it in my book.
Q But you cannot tell that independently? A I was married in '68 if I mistake not.
Q Was it 1867 or '68? A I think it was '68.
Q Are you positive about it? A I am pretty near positive but I want besure. If I was at home I would tell you, I would go by my book.
Q You are not willing to trust your memory as well as you are the book? A No sir.
Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
Q I am asking you now when your first child was born? A I couldn't tell about that.
Q How many children did you have? A I got two children living and 6 or 7 or 8 dead.
Q When did your first child die? A That has slipped my remembrance
Q It has been a good long while? A Yes sir.
Q You couldn't trust your recollection to that could you? A No sir.
Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
Q When did Rob Daniels come back up in that country? A About '67.

Q What time in 1867? A I don't know just what time.
Q In January? A It might have been January, but it was in that year sometime I think.
Q Well do you think it was in January or December? A I don't know I couldn't say which year it was. It might have been in September and it might have been In October, I don't know just what time it was.
Q You said it might have been in January awhile ago? A It might have been and it might have been some other month.
Q What time did Johnson come back up there? A I don't remember just what time he come.
Q You don't remember the year? A No sir.
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with those boys, Tom Moore and old man Moore then.
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.
Q How long afterwards before you saw old Tom Moore? A Not very long.
Q Five years? A I guess it might have been a shorter time than that.
Q Your best judgment, what was it? A I don,t know anything about when I seen Tom.
Q Well now your brother Joe married? A Yes sir.
Q What year did he marry in? A I couldn't tell you that, he has been married twice.
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S E X C U S E D :

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Andy Frye.
Q What is your age? A Either 73 or 74.
Q What is your post office? A Ketchum, Indian Territory.
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.
Q On what place were you living? A I was living on the Thompson place.
Q Known as the Dr. Thompson place? A Yes sir.
Q What time did you move on to that place? A I moved here in October.
Q What year? A '66.
Q Are you acquainted with the applicant, Moses Hardrick? A Yes sir.
Q Were you acquainted with him when the war came up? A Yes sir.
Q When did you see him after the close of the Civil war? A See him in '66,--along in '67.
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson's place along in February, '67.
Q What time in February? A Along about the first of February.
Q How long did he live on the Dr. Thompson place? A He made one crop there.
Q Where did he go to from there? A Just south of there, I don't know how far.
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.

Q Who moved on to the Dr. Thompson place after you moved away?
A Mr. Parks.
Q Were you acquainted with Butler McVair? A Yes sir.
Q When did he come down in that part of the country where you were living? A He come down there in '67, in the spring of '67.
Q What time in 1867, what month? A Along in February.
Q Did he have his wife with him? A No sir.
Q What was his wife's name? A Betsy.
Q Where was she then? A In Kansas.
Q When did she come? A She come along in July or September, somewheres along there.
Q Did Butler come back after her? A Yes sir.
Q Now when Tom Moore came, when was that? A Him and Butler came together.
Q Did Tom Moore bring his wife? A No sir.
Q When did she come? A The same time Butler went back and brought her. They went and come together.
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.
Q Built a home of his own? A Yes sir.
Q He and his wife live down there? A Yes sir.
Q Did you see a woman named Pergie Lynch or Durant down in there at that time? A No sir.
Q She didn't come with that crowd at that time? A No sir.

BY MR. HASTINGS:
Q Jeff Lyons didn't come with them did he? A He come before they did.
Q What is Jeff's wife's name? A Mahala.
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On behalf of the Commissioner: The objection will be noted.

Q Whhat time did Jeff Lyons bring his wife down her? A It was along In December, sometime before Christmas.
Q Then Jeff and Mose didn't come together? A No sir.
Q Mose come after that? A Yes sir, he come after Jeff come.
Q When did Mose bring his wife down there? A Mose brought his wife with him when he come.
Q The first time? A Yes sir.
Q That was in the spring of 1867? A Yes sir. I don,t know, it might have been along about the first of February, it was after Christmas.
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.
Q You are not positive as to that? A I cannot keep the dates.
Q If Nels Moore testified he come about the time grasscomes up in the spring of 1867, you think he is about right? A I don't know.
Q You don,t want to contradict that? A I wont contradict nothing.
Q This Mahala was a slave of Bob Daniels? A Yes sir.
Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.
Q How far was it from you where he located? A Only about a mile and a half.
Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I aint certain.

Q Bob Daniels is the same man that sat on that Court in 1871? A Yes sir.
Q And he owned this Wahala Lyons? A Yes sir.
Q And you say they come before any of these others that you have mentioned? A Yes sir.
Q You are positive about that? A Yes sir, I am positive, I know they did.
Q Where did Jeff and Wahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
Q Did Jeff work for Kell over there a while? A Yes sir.
Q About how long? A About three weeks.
Q That runed him over to the spring? A Runed him over until along in January.
Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
Q Well did he come over there? A Yes sir.
Q Did you permit him to make a crop over there? A Yes sir.
Q When did he move over to your house? A He moved over about the first of February.
Q Then he never lived at your house before the first of February, 1867? A No sir.
Q Then if any of these witnesses testified thathe was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
Q Never come there did he? A He come in January to see me.
Q Never come there to live? A No sir, not until the first of February.
Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Wahala? A Yes sir.
Q How long after that before Butler McNair come? A He come back in the spring of '67, along in February, somewhere. Come in time to make a crop.
Q Well if Judge Clark and Nels Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings:

On Behalf of the Commissioner: The objection will be noted.

A No sir, I wont dispute it because the grass was there early that spring. We had green grass about all winter.
Q You wont dispute that? A No sir, we had green grass all winter.
Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
Q You have got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
Q You are just guessing at it? A Yes sir.
Q Using your own independent recollection? A Yes sir, I think it was about that time.
Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
Q And you don't know when Bob Daniels come back? A I don,t know the date he came back.

Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr. Daniels.
What time do you think Johnson Thompson come back? A I couldn't say. I know he was there first.
Q Do you know whether he come in 1867 or '68, or '69? A He must have come in the fall of '66.
Q Did you testify before the Commission at Vinita on May 15, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there are two or three Sam Landrums?
Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
Q You don,t know whether you testified in that case? A I don't know, I might have, I think I testified for him somewheres.
Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
Q You testified did you in that case? A Yes sir.
Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
Q You are the same party who testified in that case? A Yes sir, I testified for Sam.

BY MR. STARR:
Q Bony Dan did come back in 1866? A Yes sir.
Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
Q One named Harvey? A Yes sir.
Q When did he die? A March 11, I believe.
Q What year? A That was in '67.
Q Who dug Harvey's grave? A Jeff Lyons.
Q Now where did Jeff Lyons live before he went on this Kell place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
Q Had been camping there prior to when he went on Kell's place?
A Yes sir.
Q What was your next child's name that died? A Lula.
Q When did she die? A In '67.
Q What date? A Along in September, I don,t know exactly the date.
Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
Q You are not certain about that? A No sir.
Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. MARTINS:
Q You don't know what year he died? A I don't know.
Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:
Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
Q Explain that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this court and I told him he would have to pay me the money, or put up something as good as the money.
Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

Q How long did you attend before the Commission at that time? A There about two weeks before we got into it.
Q What was the mule worth? A I give Dan Tucker $12.50 for his part.
Q What part did he have? A I had $12.50.
Q The mule was worth $25.00? A Yes sir.
Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
Q What did they give you? A They allowed me $12.50.
Q How long did you attend the Commission then? A I think I was two or three days, about three days I think.
Q Now that three days attendance, your milage and time for the Cherokee Nation amounted to $12.50, did it? A Yessir.
Q And about two weeks attendance in this other case, your milage and time only amounted to about $12.50? A That is all I got out of the mule.

BY MR. HASTINGS:
Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than $2.00 per day, and your milage? A Mr. Bell told me to make it 4 d ays, and I didn't claim anything.
Q Who paid you? A Roland brought the check to me and we went down to the bank and got the money.
Q Did you sign a pay roll? A No sir.
Q When was that? A It was along, I can't tell what time but I sure come down here, it was when that Crap Lynch's daughter, Bettie Cash was up.
Q Did Cale Starr give you that check? A No sir.
Q Was it while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
Q Didn't you never know he was? A No sir.
Q Never heard of it? A No sir, never heard of him being an official for the Cherokee Nation. I know he was called an Attorney at Law but I never knew he was an official.
Q You never heard of that? A No sir.
Q Well whose name was signed to that check? A I don't know sir, I never looked on the check to see whose name. Me and Roland went to the bank and he shoved his in and I shoved mine in and we got the money.
Q Do you know when it was? A I don't know, you kno when that case of Bettie Cash was up.
Q Did the Cherokee Nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
Q Was the amount you got what you were entitled to for your time and milage, how far do you live from Vinita? A I considered that paid me for the time and milage.
Q How far do you live from Vinita? A 14 miles.
Q And it is 65 miles from Vinita to Muskogee, in the neighborhood of 80 miles, and you say you got a check for $12.50? A Yes sir.
Q And you got pay for 4 days? A That is what e told me to claim, and I told you I didn't claim nothing.
Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
Q Did you sign a pay roll? A I never signed nothing.
Q Do you swear that? A I never signed nothing.
Q You sign your name don't you? A No sir.
Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
Q I am talking about the pay roll? A What pay roll?
Q The pay roll so that the check might issue on it? A I don't understand it yet.
Q You can't sign your name? A No sir.

Q Then you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
Q And according to that you were out three days and 80 miles and you didn't get but $12.50? A That was all.
Q Did you make theose other fellows you have testified for pay you? A Which?
Q You have testified in a good many cases? A Yes sir, they paid me.
Q All of them? A Some of them did and some didn't.
Q How much did you get in the Sam Landrum case? A I have forgotten.
Q What other case? A There was several cases, I don't recollect who I did witness for.
Q You don't remember any other cases? A No sir.
Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than $25.00 at the time you took it? A I said I couldn't get more than that because he was balky.
Q What did you think he was worth when you were getting it? A About $30.00.
Q And you sold it $5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
Q Then you made a business of charging all those fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
Q Post office Ketchum? A No sir.
Q Never testified in that case? A No sir.
Q Well he never paid you nothing? A No sir.
Q Did you testify in the Aaron Martin case? A Yes sir.
Q Is that the one you got the mule in? A Yes sir.
Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, that was separate.
Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
Q Did you testify in the Elias Downing case? A No sir.
Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
Q Now do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
Q Did you testify in the Peyton Martin case? A Yes sir.
Q Did he pay you? A Yes sir, three or four dollars.
Q Do you know, do you remember how much he paid you? A About three dollars.
Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron Martin folks at Vinita.
Q Is that the only place you testified? A Never testified for any one in Ghelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me $10.00 , for witnessing for his family.
Q Where were you going to witness at? A In the Kern-Clifton Court.
Q Witness for him then for $10? A Yes sir.
Q And you didn't get it? A No sir.
Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I didn't ~~xxx~~ stay there all the time, I went back and forwards.
Q What was the longest you ever stayed up there? A Not over two days at a time.
Q How long were you there when you testified for Aaron? A About two days, then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
Q Did you get any other mules in any other cases besides that one? A No sir, mules were two high, I couldn't go and get a mule every time.
Q What is the most you ever got for witnessing in a case? A That mule was the biggest salary I ever got for witnessing.
Q What did you get from George W. Lynch for witnessing for him, whose post office is Vinita and whose age was then 48? A I don't think I witnessed for George W. Lynch.
Q You don't think you ever witnessed for him? A No sir.
Q Did you witness for Harriet Tucker? A She was in the Aaron Martin family.
Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
Q It as your habit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay me.
Q If you were hanging around you charged them if you testified? A No sir, if they wanted me to testify for them I went in and testified.
Q Who are paying you now? A These men got me to come and witness for them, I expect them to pay me.
Q How much did they say they would pay you? A I don't know, they haven't said.
Q Did they pay your fare? A Yes sir.
Q Who? A This man.
Q Who are these men? A Sta r & Patten.

BY MR. PATTEN:
Q In the case you testified in, in which you got a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

W I T N E S S E X C U S E D .

THOMAS H. MOORE RECALLED:

BY MR. PATTEN:
Q State your name? A Thomas H. Moore.
Q Did you testify in this case awhile ago? A Yes sir.
Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
Q What is it? A I want to withdraw one I made, a statement in '66, I want to make it '67.
Q What was that about? A Bol Daniels moving in in '66, in '67 is when hemoved in.

BY MR. HASTINGS:

Q Who did you talk to about this since you left the stand? A I got to studying it over myself.

Q You talked to Mr. Patten about it? A Just now, yes sir.

Q Before you come back on the stand? A No sir.

Q You swear that you haven't talked to him out there in the hall before you come back on the stand? A No sir.

Q How did he know, how did he come to call you back here then? A I come back myself. I got to studying about where we were at that time and I knew that I made a mistake.

Q Were you not right out there when Andy Frye was on the stand, and heard him? A No sir, I didn't see him. I got to studying about where we were living at that time and knowed it was in '67 because we come from there down to this school house.

Q All these witnesses are out here in the hall? A Yes sir.

Q You have all been talking about it out here in the hall? A Yes sir.

Q You have talked to Starr or Patten out here in the hall about this case? A No sir.

Q You testified that you saw Mose Hardrick here in the winter of 1866, in February? A '67 I mean.

Q You swore awhile ago 1866 and Mr. Patten asked you over and over?

A I know I did, that is what I am trying to get straight. We lived [illegible] I live [illegible] this school all this time.

Q Mr. Patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn't mean to say it.

Q How long was it after you left the stand before [illegible] ? A I [illegible] about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.

Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.

Q And it was in the fall of 1867 Bob Daniels moved in and you out?

A Yes sir.

Q You are certain [illegible] November [illegible] I [illegible] ? A Did I say November.

Q You said fall, October or November? A It was in that fall anyhow.

Q Of 1867? A Yes sir.

Q That is when Bob Daniels moved his family up there? A Yes sir.

W I T N E S S E X C U S E D .

A P P L I C A N T S R E S T .

The following testimony was taken on behalf of the Cherokee Nation.

Mr. Hastings: For [illegible] A [illegible] we desire the [illegible] judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, Freedman doubtful 292, be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum case.

On behalf of the Commissioner: The objection [illegible]

On Behalf of the Commissioner: Attorneys for applicants and Cherokee nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, the application of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D. 8326-1903), and that a motion said case was filed May 29, 1906.

ELIZA A. STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Eliza A. Strout.
Q How old are you? A 50.
Q What is your post office? A Vinita.
Q What was your maiden name? A Daniels.
Q Were you a daughter of Bob Daniels? A Yes sir.
Q Is he the same Bob Daniels who was a member of the Supreme Court in the Cherokee nation in 1871? A Yes sir.
Q You are a Cherokee by blood? A Yes sir.
Q Through who do you get your Cherokee blood? A Father and mother both.
Q Did your parents own some slaves before the war? A Yes sir.
Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
Q Did you know her before the war? A Yes sir, I can remember her before the war, that is before she left us.
Q Who did she belong to? A My parents.
Q Did she have any children before the war? A Yes sir.
Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
Q He was born before the war? A Yes sir.
Q He was a slave of your parents? A Yes sir.
Q She wasn't the wife of Jeff before the war? A No sir, she come back here with Jeff.
Q Now did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
Q Now when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and we stayed there all winter and then come back up home on Grand River in March, 1867.
Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
Q Was it onthe same side of the river? A Yes sir, on the east side.
Q And about a mile from the Dr. Thompson place? A Yes sir.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir, he married my sister.
Q Do you know where the Johnson Thompson place was? A Yes sir.
Q Where was this Dr. Thompson place with reference to your father's place and the Johnson Thompson place? A It was right between the two.
Q Then you had to go by the Dr. Thompson place in order to go to your Aunts, who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
Q Did you visit backwards and forwards frequently? A Yes sir.

Q Now was Mahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
Q Was she in that neighborhood at that time? A No sir.
Q She was your old slave? A No sir, she was not there.
Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it?
A No sir, I don't think she could.
Q Your father is the same person who was a member of the Supreme C Court and passed upon this case in 1871? A I don,t know whether he passed on it or not, I guess the record shows it.
Q He was a member of the Supreme Court in 1871? A Yes sir.
Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
Q He lived there until he died? A Yes sir.
Q You know how long afterwards before you first heard of Mahala coming back there? A No sir, I don't know exactly how long but I don,t think it was right soon. I am pretty certain it was not.
Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
Q That was your impression from knowledge you gained at that time?
A Yes sir.

BY MR. PATTEN:
Q I believe you say you are about 50 years old? A Yes sir.
Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
Q When was that? A I just now said it was in 1867.
Q What time of the year? A In March when we come down on the river.
Q You say Mahala was the slave of your father? A Yes sir.
Q You say she had one child before the war? A She had more than one.
Q Can you give the name of one? A She might have had more than I know of.
Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
Q How old were you at that time? A At what time.
Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
Q That has been about 45 years ago now hasn,t it? A Yes sir, in 1861.
Q And you were about 6 years old at that time? A I guess so.
Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Mahala left us, it was during the war.
Q And you were only about 10 years old at the close of the war?
A I can remember when I was 6 years old.
Q Whose slave did you say Mahala was? A I guess she belonged to my father and mother both.
Q Did she belong to them at the commencement of the war? A Yes sir.
Q And they were Cherokee citizens? A Yes sir.
Q Now you say you came back home there in the spring of 1867, in March? A Yes sir.

Q Do you know where Judge Clark was living when you came back?
A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.
Q Do you remember where L. B. Bell was living when you come back?
A No sir, I know where he lived afterwards.
Q Where you moved to when you come back how far was that from the Dr. Thompson place? A A mile.
Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson's wife was my mother's sister, and so was Dr. Thompson's wife.
Q Did you go by the house? A Yes sir.
Q Was it on the road? A Yes sir, of course it was on the road.
Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
Q Can you name them? A I knowed Andy Frye and Al Lynch.
Q Who else? A I don't remember anybody else.
Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don't think he was married then.
Q You are certain that was the spring of 1867? A Yessir.
Q Who else besides Andy Frye and Al Lynch? A I don't remember. There was an old colored man named Tobe Schrimsher.
Q Were there any one else besides those three? A I don't remember anybody else.
Q Do you remember whether Butler McGair was there? A I don't know anybody by that name.
Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
Q Old man Tom Moore? A Yes sir.
Q How do you know he wasn't living there? A Because I didn't see him.
Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don't see how he could be there without my seeing him when I passed there.
Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
Q You were about 10 years old? A I said I was about 12.
Q There were some colored people living at that house and you didn't know who they were? A I knowed Tom Moore wasn't there.
Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know the names.
Q How do you know you saw them all? A I know I must have.
Q You are just guessing at that, taking it as a conclusion? Now are you stating from what you actually know or what you take as a matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish question as that.

On Behalf of the Commissioner: Just answer as near as possible the question as asked.

A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1868 or '67.
Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasn't there when we come back.
Q I am not asking you that question? A I couldn't tell you just the date I saw her.

Q Yousay you saw her when they all come back? A I saw them when they were living there.
Q About when was that? A I don't know when it was.
Q Was it 1868 or 1869? A It was 1867 or '68.
Q What time in 1867? A I always thought it was 1868.
Q Do you know what year it was that they lived on that Dr. Thompson place? A I knew it was not in 1866.
Q I am not asking you whether you saw them in 18 66? A Well I told you I didn't know whether it was 1867 or '68.
Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
Q Do you remember when they first moved on that Dr. Thompson place?
A No sir.
Q You don't know anything about when they come from Kansas? A I know they were not on that Dr. Thompson place.
Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don't.
Q But you undertake to say that Mahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
Q Who lived on that place or in the house preceding your father? The place you moved to, just before Him? A There was a colored man named Arch Landrum.
Q Did he live in there just before you folks moved in? A Yes sir.
Q Did Nelson Moore ever live in that house, if you know? A No sir.
Q You don't remember when he lived there? A No sir.
Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
Q Was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
Q Who did he get out? A Arch Landrum.
Q You are certain it was Arch Landrum? A That is what my father said.
Q Didn,t say whether Arch was the only one? A Didn,t say about that.
Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
Q You came shortly after he came down there? A Yes sir.
Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
Q How do you remember it was 1867? A How do you remember anything?
Q I am asking you? A (No response).
Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? You just undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don't know any more than anybody Knows one year from another.
Q Have you a pretty good faculty for remembering things that occurred in 1880 or '87? A Sometimes I do and sometimes I don't.
Q Do you know when the Kern-Clifton roll was made? A No sir.
Q You don't remember that do you? A No sir.
Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
Q Some of those dates are pretty hard to remember, aren't they? A Indeed without they got to remember anything, they ought to remember it.
Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place, is that the reason you remember it? A No sir.

Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I know when the war closed, and how long we stayed down south before we come home, and then we come to Tahlequah and stayed there until the spring of '67.
Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
Q Where were you when the war closed? A In the Choctaw Nation.
Q How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
Q What year did you go there? A I think it must have been in 1862.
Q And you stayed there three years? A Stayed there until 1865.
Q What time in 1862 did you go? A I don't know.
Q You don't remember that? A No sir.
Q Do you remember the occasion of going? A Yes sir.
Q You say you stayed there about three years? A We stayed there until 1865.
Q What time in 1865? A I don't know, I think it was in the spring.
Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
Q How long did you stay at Tahlequah before you came down there?
A I told you from that time until March.
Q The following March? A Yes sir.
Q Then you came to Tahlequah in 1865? A '65?
Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we come to Tahlequah in 1866.
Q Do you know what year you were born in? A 1855 so my mother said, I don't know whether I was or not.
Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S E X C U S E D .

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A James R. Dunlap.
Q What is your age? A 65.
Q What is your post office? A Carlile, Kansas.
Q How far is Carlile from Iola? A Five miles.
Q How long have you lived in the vicinity of Carlile and Iola?
A I first came there in 1864, moved there in 1866.
Q What time in 1866 did you move there? A Sometime in the spring, May or June.
Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did they live there in that vicinity? A Yes sir.
Q Did you at that time live in the town or in the country? A I lived in the country there.
Q About how far did Butler McNair live from you? A About a mile.
Q Live in a cabin over there? A Yes sir.
Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
Q Do you know who attended your wife and waited on her during that confinement? A After her confinement Aunt Betsy Butler was with my wife.
Q Was that Butler McNair's wife? A Yes sir.
Q Was that after this confinement you speak of? A Yes sir.
Q Was that the first child your wife had? A Yes sir.
Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
Q Have you a record of the birth of that child? A Yes sir.
Q Did you bring that with you? A Yes sir.

Q Did you bring that with you? A Yes sir.
Q What does that record disclose? A You read it.
Q Is this from your family record, your Bible? A Yes sir.
Q It shows birth, Orien Dunlap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
Q That is the date of his birth? A Yes sir.
Q And you are positive that Betsy, the wife of Butler McNair waited on your wife during her sickness following her confinement? A Yes sir.
Q Do you remember how long she stayed there after that? A No sir, I don't.
Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
Q And you have refreshed your memory fromthe date of the record of the birth have you? A Not exclu ively, I was married January 31, 1866, and my oldest child was born January 21, 1867.
Q And you are positive that Butler McNair's wife Betsy was there?
A Yes sir.
Q You are not prepared to say how much longer they remained there?
A No sir, I couldn't do that.
Q Did you know a colored man named Tom Moore? A Yes sir.
Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
Q They didn't live on your place? A No sir.

Mr. patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the same time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On Behalf of the Commissioner: The motion and reply will be noted.

BY MR. PATTEN:
Q Were you very well acquainted with any of those colored people around there? A Not intimately acquainted.
Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn,t have anyacquaintance with the old lady until I went after her to stay with my wife.
Q There is no question but what she waited on your wife at that time? A No question in my mind.
Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
Q Did you ever know him? A Yes sir.
Q How far did they live from you? A About a mile.
Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and - just come into the country there and we swaped work around and cut our wheat.

W I T N E S S E X C U S E D .

J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A J. A. Thompson.
Q What is your post office? A Vinita.
Q What is your age? A I will be 56 years old the first day of next August.
Q Are you a Cherokee by blood? A Yes sir.
Q What was your father's name? A Johnson Thompson.
Q Have you a brother named Tommy Thompson, T. F. Thompson? A Yes sir.
Q Where did you go during the Civil war? A We went south, on Red River.
Q Where did you return after the war? A Back there on our old place.
Q Where was that? A On Grand River, known now by the Ketchum place.
Q By Ketchum post office? A Yes sir, near there.
Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
Q How far is that from the Dr. Thompson place? A About a mile.
Q On the same side of the river? A No sir.
Q How far from the Bob Daniels place? A That was a short mile further south, on the south side of the river.
Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
Q And both on the opposite side of the river from your father's place? A Yes sir.
Q Do you know Mrs. Strout, daughter of Bob Daniels? A Yes sir, first cousin of mine.
Q Do you know when Bob Daniels come back up there? A Yes sir.
Q When? A In 1867.
Q What time of the year? A Early in the spring.
Q What time did you people come back to this Johnson Thompson place?
A I think it was in October, in 1866.
Q Did you ever know Rose Hardrick a colored man before the war?
A No sir.
Q Did you know Jeff Lyons before the war? A No sir.
Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
Q Did Daniels live up there before the war? A Yes sir.
Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
Q Right at the same places you described? A Yes sir.
Q Then you knew Mahala well did you? A Yes sir.
Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
Q Was that when they came back to the country? A Yes sir.
Q You say that was in the fall of 1867? A Yes sir.
Q Are you positive they were not there during the winter of 1866?
A I don't think they were, if they were I didn't see them.
Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
Q You remember when Rose Hardrick come? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
Q Did you see him there before you saw Mahala and Jeff? A No sir.
Q Did you know a child of Mahala named Mike? A Yes sir.

Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I don't remember when he come or how he come.
Q Did you see him there before you saw his mother? A No sir.
Q You saw him afterwards? A Yes sir.
Q Did you know Butler McNair A I wasn't acquainted with him.

BY MR. PATTEN:
Q When was it you say you first saw Jeff and Mahala? A I think it was in the fall of 1867.
Q Where were they living at that time? A Camped in our yard there on our place.
Q That was in the fall of 1867? A Yes sir.
Q When was the first time you saw Moses? A It was sometime after that I think, I would not be positive. I don't remember much about Moses because he went across the river.
Q Was it about the same time? A Pretty much the same time.
Q Now how long did they camp with you there when they went into camp. A Yes sir.
Q Had they just moved in from some place? A Come in from Kansas I suppose.
Q Was this on the same side of the river as the Dr. Thompson place?
A No sir.
Q What was across the river from the Dr. Thompson place? A Yes sir.
Q That was in the fall of the year? A Yes sir.
Q And you think it was what year? A 1867.
Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1866.
Q When do you claim? A I don't claim.
Q Were you in the country? A There were two fights on Horse Creek.
Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was itbefore or afterwards?
A Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
Q You don't know whether it was before or after? A Well it must have been then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
Q The same fall? A I couldn't tell positively.
Q What is your best judgment about it? A Well I hate to say.
Q It is pretty hard to remember these things that occurred that long ago? A Yes sir, a long time. There were two fights there, one occurred before we come there.
Q Did those two fights both occur the same year? A I couldn't tell you that.
Q Where did they move to when they moved away? A Across the river.
Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
Q What place was that you say? A They settled a place in there near Uncle Robert or sorter between the two places.
Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
Q You started in the fall of 1867? A Yes sir.
Q When did they make a crop on that new place, Jeff? A He surely couldn't have made any crop earlier than 1868.
Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

Q Do you know whether or not he ever lived on the Dr. Thompson place?
A He might have rented some ground from Uncle Jeter.
Q I mean live there? A I don't remember of him li ing there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tobe Schrimsher, and there was another fellow or two there.
Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,-- what time was it Jeff and Mahala were camped there? A That was along in 1867.
Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
Q That was about the time Tobe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert Daniel's horse and Schrimsher was run ing our boats, and they stole our boats and after that father and Uncle Robert gave Schrimsher a jacking up and I think he left.
Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
Q Where were you living when they moved? A I don't know whether we were there or had gone to school.
Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't come up there untillate in the fall of 1866.
Q How do you remember it was 1866 you come up there instead of '65?
A We were afraid to go up there.
Q How long after the war closed before you were afraid to come up there? A We came as soon as we thought it was healthy.
Q This occurred about 40 years ago? A Yes sir.
Q You were how old? A About 16 years old.
Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert Daniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E X C U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. W. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A T. F. Thompson.
Q How old are you? A Going on 59 years old.
Q What is your post office? A Vinita.
Q What was your father's name? A Johnson Thompson.
Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
Q Did you know Bob Daniels in his life time? A Yes sir.
Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
Q Were they Cherokees? A Yes sir.
Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
Q Where? A On Grand River.
Q How far from Vinita? A East about 15 miles.
Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
Q On which side of the river did your folks live? A On the west side.
Q On which side did Bob Daniels live? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
Q On the opposite side of the river from you? A Yes sir.
Q How did you people go out during the war? A Yes sir.
Q What time did you return? A We returned in the fall or winter of 1866.
Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
Q Did you know Mrs. Strout that was on the stand? A Yes sir.
Q That was her father? A Yes sir, he lived there.
Q Then each of your families returned back to these old places?
A Yes sir.
Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you knew her at all? A The wife of Jeff Lyons after the war.
Q Did she have any children before the war? A I think she did, I would not be certain about that.
Q Don't know of a child named Mike Moore? A Yes sir.
Q How far is this Dr. Thompson place from your place? A About a mile, just across the river.
Q You say you knew Mahala who belonged to your aunt Mr. Daniels before the war? A Yes sir.
Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They come back after we didhut I couldn't say whether it was the year we did or the year following.
Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
Q Did you make an affidavit in this case? A Yes sir.
Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
Q Who prepared it? A A young man named Blue I believe.
Q With whom did you talk about it. Did you talk to W. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, be cause I wasn't certain about that. Thatwas to the best of my knowledge.
Q You didn't intend to say 1866? A No sir .

BY MR. PATTEN:
Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
Q Now you would not want to be understood as positively swearing that it was not 1866? A NO sir.
Q Nor you would not want to be understood as positively swearing it was 1867? A No sir.
Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A Not that I remember of. I don't think Mr. Starr had anything to do with the affidavit at all.
Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
Q The Wallace Court in 1869? A No sir, I think not.
Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedman cases before. I don't remember of it.

W I T N E S S E X C U S E D .

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, F. D. 314, at a prior hearil will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two hears, consolidated cases of Moses Hardrick, et al., and George Irons, et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield, et al., F R 541, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County, Kansas, was never authenticated for the year 1868 by the Assessor.

On Behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1906, in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of theproceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freedman Doubtful 499, being the case of Henry C. Hayden, et al., Freedman Doubtful 535, being the case of Charity Trow, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freedman Doubtful 578, being the case of Katie Thorton, et al., Freedman Doubtful 201, being the case of Sarah Bean, Freedman Doubtful 760, being the case of Leah Winfield et al., Freedman Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1007, being the case of Jesse Hicks, et al., Freedman Doubtful 1009, being the case of George Ross. All of said cases being freed men cases and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1866 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient and move that the Nation be required to specify in each instance what testimony is false.

Mr. Bixby, Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants, and if the Commission to the Five Civilized Tribes has decided adversely to them, and these decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes, and the Secretary of the Interior to the testimony of the said Frank Ross, and the ruling tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it would not tend to discredit him for the reason that said witness might not have testified to a mere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorney for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedman cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all of them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 283, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful, 317, Charles Martin, et al., Freedman doubtful 597, Jane Looney, Freedman doubtful 631, Nancy Ross, et al., Freedman doubtful 662, Cynthia Hoard, et al., Freedman doubtful 921, Elijah Watie or Tinnon. Freedman doubtful 946 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1009, George Ross, Freedman doubtful 1020, Kissie Newman, et al., Freedman doubtful 1025, Ned Foreman. Freedman rejected 85, Malzy Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which case the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 82 , John May, et al., Freedman doubtful 280, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann, et al. Freedman doubtful 374, Ab Buffington, Freedman doubtful 5[illegible], Annie Little, et al. Freedman doubtful 617, Rosa Shore, et al. Freedman doubtful 79, Mary Hemmitte. Freedman doubtful 734, John Towers. Freedman doubtful 800, Annie Elms, et al. Freedman doubtful 281, Arthur Martin. Freedman doubtful 880 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 72[illegible], Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malzy Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons wherein before set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and Citizenship Courts, that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record; that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treaty of July 19, 1866. That we do not represent George Irons, Betty Hayes and Richard Hero, and so far as the other cases are concerned they may be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch on the reason that they have agreed that all of the descendants of Moses Hardrick and Seff and Mahala Lyons could be consolidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no ~~xxx~~ diligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On Behalf of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,	F R	36
Bettie Hayes,	F [illegible]	87
Richard Nero,	F I	1328
Ned Lyons,	F [illegible]	251
Rachel Landrum	F D	252
Elias Lyons,	F D	253
Altha Moore, et al.,	F [illegible]	367
George W. Lynch,	F [illegible]	731.

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he came from the south and the others came from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

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[illegible] O. [illegible] Teasley, being first duly sworn, states that he is stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible] day of July, 1906.

[illegible]

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. AHMc/

In the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, consolidating the applications of------

Moses Hardrick	Cherokee Freedmen R-574
Silas Hardrick	Cherokee freedmen R-536
Sarah Bean	Cherokee freedmen R-543
Nelson Hardrick, et al.,	Cherokee freedmen R-557
William Hardrick, et al.,	Cherokee freedmen R-599
Eliza J. Hardrick, et al.	Cherokee freedmen R-631
Mary Hardrick, et al.	Cherokee freedmen R-579

George Irons, et al.,	Cherokee freedmen R- 36
Bettie Mayes	Cherokee freedmen D- 87
Richard Nero (Irons) et al.,	Cherokee freedmen D1328
Ned Lyons	Cherokee freedmen D-251
Rachel Landrum	Cherokee freedmen D-[illegible]
Elias Lyons, et al.,	Cherokee freedmen D-253
Altha Moore, et al.,	Cherokee freedmen D-357
George W. Lynch, et al.,	Cherokee freedmen D-731.

D E C I S I O N.

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That application for enrollment as Cheromee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leona Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Amos, and Jackson Lonien; by Jennanna Irons for her husband, George Irons, and his children Bertha and Bettie Irons and grand child, Elnora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Pyons for himself; by Rachel Landrum for herself; by Eliza Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.

The record further shows that on April 20, 1904, and April 18, 1905, the Commission to the Five Civilized Tribes rendered its decisions herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 6968-1904); and that thereafter, to-wit, on April 5, 1906(I.T.D. 5398-1906) and May 11, 1906 (I.T.D. 4667-1906) respectively; on motions of the applicants, the Department recinded its decision of October 13, 1904, and remanded the records in this now consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The rec rd in this consolidated case shows that the above named applicants neither claim nor posses any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch by virtue of having complied with certian provisions of the Treaty of 1866; Silas Hardrick, Sarah Bean, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descandants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a descendant of the said applicant Eliza J. Hardrick and one John Ross, deceased; Amos and Jackson Lonien as descendants of the applicant Mary Hardrick and one Mose Lonien, Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Elnora Nivens as the descendants of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Eliza Lyons as descendants of Jefferson and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant Eliza Lyons, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descentants of the applicant George W. Lynch.

A reexa ination of the records in this now consolidated case made prior to the rendition of the decisions heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readju ication.

Since this case was remanded twenty-two witnesses have been introduced by the parties hereto, all of whom testified from unaided memory alone to events that necessarily must have happened thrity-eight or forty years before. For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occurred on or prior to February 11, 1867, or subsequent thereto.

For reasons below stated this office is of the opinion

that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which a ray of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly apportioned.

Section 12 of said Treaty reads in part as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretarynof the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In Taking this census Mr. Tompkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial, well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

Going Snake and Delaware Districts	Volume 1,
Tahlequah and Saline Districts	Volume 2,
Canadian and Delaware Districts	Volume 3,
Flint, Sequoyah and Koo-wees-koo-wee Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely; Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 13566, Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 5988, Whites 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four and reads as follows; to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation;-- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with

the provisions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U. S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any person not entitled to citizenship on the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

"Q How does the fact that the grass was up connect with in your mind, with Rose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Rose Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Reuben Downing, they all of them went to Lucy Wilderbrands in the spring of '67 to a census taker.
Q To a census taker? A Yes sir to a census taker; that was in '67.
Q What month was that? A That was about June or July as well as I remember.
Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum can be identified on the roll of 1867. The testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Moore and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McWair,

however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1878 held that the applicant, Moses Hardrick (Hardwicke), did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A Certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1902.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedmen citizenship can be identified on any Cherokee Roll in the custody of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the applicants Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen of said Nation; and that all the applicants herein, except those last above named, were born since the close of the rebellion and obtain no rights to Cherokee Freedmen citizenship through their ancestors.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick; Silas Hardrick; Sarah Bena; Nelson Hardrick; LeRoy Hardrick; William Hardrick; Mabel Hardrick; Leona Hardrick; Eliza J. Hardrick, Arthur Lynch; Ethel Lynch; Mattie Lynch; Claud Lynch; Mary Hardrick; Amos Lonien; Jackson Lonien, George Irons; Bertha Irons; Bettie Irons; Elnora Rivens; Bettie Mayes; Richard Nero; Mollie Nero; Ned Lyons; Rachel Lanarum; Eliza Lyons; Nelson J. Lyons; Altha Moore, Oscar Moore; George W. Lynch; Rosetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 25 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (32 Stats.,716), the application for the enrollment of Malinda Hardrick should be, and the same is hereby dismissed.

(Signed) Tams Bixby,
Commissioner.

Dated at Muskogee Indian Territory,

This FEB 15 1907.

740153

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Elias Lyons,
Ketchum, I.T.
Cherokee F-D-253
Register.

COPY.

Cherokee Freedmen

D-253.

Muskogee, Indian Territory, April 18, 1905.

Elias Lyons,

Ketchum, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself and your minor child, Nelson J. Lyons, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Chairman.

Incl. S-95

Register

COPY.

Cherokee Freedmen

D-251, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Wed Lyons, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905 rejecting, among others, the application for the enrollment of Wed Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

Incl. S-98

Register

COPY.

Cherokee Freedmen

R-36, et al.

Muskogee, Indian Territory, April 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 13, 1905, rejecting the applications for the enrollment of George, Bertha and Bettie Irons, Almora Vivens, Bettie Jones, Pir[illegible] and Nellie [illegible], Ted, Kl[illegible] and Nelson J. Lyons, [illegible] Andrus, Alpha and [illegible], [illegible], Rosetta and Nina [illegible], as Cherokee freedmen.

The [illegible], together with the record of proceedings had in the case, has been duly transmitted to the Secretary of the Interior for his final decision. The action of the Commission will be [illegible] when the Commission is informed of the same.

Very truly,

(SIGNED) Tams Bixby.

Chairman.

Incl. R-101

COPY.

Cherokee Freedmen
R-56, et al.

Muskogee, Indian Territory, April 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Irons, et al., including the Commission's decision dated April 18, 1905, rejecting the applications for the enrollment of George, Martha and Nettie Irons, Elmore Givens, Nettie Mayes, Richard and Nellie Moore, Ned, Elias and Nelson J. Lyons, Rachel Landrum, Altha and Oscar Moore, George V., Rosetta and Elina Lynch, as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. R-102.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR:

LAND
30879-1905

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 3, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jennanna Irons for her husband, George Irons, her step-children, Bertha and Bettie Irons, and her step-grandchild, Elnora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Elias Lyons for himself and his minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore, and by George W. Lynch for himself and his minor children, Rosetta and Eliza Lynch.

April 18, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons) are all the children of one Nero Irons, deceased; that the applicants, George Irons and Bettie Mayes were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation

Nation during the war and did not return thereto on or before February 11, 1867; and that the applicants, Richard and Mollie Nero (or Irons) are included in a partial list of Creek Freedmen approved by the Department March 13, 1902 , at Nos. 2173 and 2238 respectively, and have accepted their allotments of lands in the Creek Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and Minnie Irons, born Lyons, deceased, were born since 1880 and possess no rights to enrollment other than as descendants of their parents; that Minnie Irons, deceased, was born since 1866 and was the daughter of Jeff and Mahala Lyons, both deceased; that Jeff and Mahala Lyons were the slaves of Cherokee citizens at the beginning of the war, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicant, Elnora Nivens, is an illegitimate child of Bertha Irons and after ample opportunity it has not been established that she possesses any rights to enrollment other than as a descendant of her mother.

The record further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons are children of Jeff and Mahala Lyons, deceased, were born since the beginning of the war, and possess no rights to enrollment other than as descendants of their parents. The minor applicant, Nelson J. Lyons, is a child of Elias Lyons and one Martha Lyons, was born since 1880 and possesses no rights to enrollment other than as their desdendant.

On May 28, 1904, the Department approved the rejection of the Cherokee Freedman case of Martha Lyons (I.T.D. 4226-1904)

The evidence further shows that the minor applicants Altha and Oscar Moore, are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father, that Mike Moore was the slave of a Cherokee citizen at the beginning of the war was taken from the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

The evidence further shows that the applicant, George W. Lynch, (son of Mahala Lyons), was the slave of a Cherokee citizen at the beginning of the war, was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11 , 1867. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880 and possess no rights to enrollment other than as descendants of their father.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M.J.M.

W

(C O P Y)

DEPARTMENT OF THE INTERIOR.

D.C. 18699-1906 JSJr. LLB

WASHINGTON,

I.T.D. 8058, 8603, 8741-1905
1867, 1895, 4667-1906.

L R S May 11, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case of George Irons, et al., including its decision of the same date, rejecting the applications for the enrollment of George , Bertha, and Bettie Irons; Elnora Givens; Bettie Hayes; Richard and Mollie Nero; Ned, Elias, and Nelson J. Lyons; Rachel Landrum; Altha and Oscar Moore, and George W., Rosetta, and Eliza Lynch as Cherokee freedmen.

Reporting July 3, 1905 , the Indian Office recommended that the decision of the Commission to the Five Civilized Tribes be approved. A copy of its letter is enclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for a review of the Commission's decision relative to George Irons et al. On the same date they also filed a motion for a review of the decision relative to Elias Lyons et al.

Under date of February 15, 1906, the attorneys for the applicants filed a motion for a new trial in the cases of Altha

and Oscar Moore, and on February 16, 1906, also filed a motion for a new trial in the case of George Irons, et al.

The motions for review filed September 7, 1905, are hereby dismissed.

A consideration of the motions for a new trial, together with the record, shows a sufficient reason for a review and readjudication of the consolidated case. You are therefore directed to reopen the case and permit the applicants and the attorneys for the nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee nation of George Irons, Jeff and Mahala Irons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens. You will also fully advise all parties in interest of the points in issue.

Under date of April 27, 1906, the attorneys for the applicants forwarded a request to the Department that in the event of favorable action upon the motions for review in this case, it be considered with the case of Mose Hardrick et al., which was remanded to you for rehearing on April 5, 1905, as the principal ancestors in both cases are alleged to have returned from Kansas in the same party, and the testimony in both cases being practically the same, the applicants, who are poor people, would avoid great expense.

In the absence of further material objections, you will grant said request.

The record, together with the motions, are returned herewith.

Respectfully,

JESSE E. WILSON
Assistant Secretary

4 inclosures

-Copy- J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.20043.
I.T.D.8056-1906. May 16, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On May 10, 1906, the Indian Office transmitted to the Department a letter from the attorneys for the Cherokee Nation dated February 24, 1906, forwarding brief in the Cherokee freedman enrollment case of George Irons et al.

The records of the Department show that on May 11, 1906, the consolidated Cherokee Freedman case of George Irons et al. was remanded to you for a rehearing. In view of this action, the communication from the attorneys, together with said brief, is transmitted to be filed with the papers in said case.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inclosures.

D.C.19486.

May 19, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irons et al F. R. 36
Bettie Hayes------ F. D. 87
Richard Nero (or Irons) F D 1328
Ned Lyons F D 251
Rachel Landrum F D 252
Elias Lyons et al F D 263
Altha Moore et al F D 367
George W. Lynch et al F D 731.

We have neglected to advise you that since Mr. Bulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for these applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Hardrick cases advising the Department that Moses Hardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Iola Kansas in the Summer or early fall of 1886 and came to the

Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patten

Attorneys for applicants.

Cherokee Freedmen
R 36

Muskogee, Indian Territory, May 24, 1906.

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al., that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906, the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason being shown to the Department, a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such

testimony as they may desire to submit, relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens".

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request".

You are therefore hereby notified that on Thursday, June 21, 1906, at nine o'clock A.M., this case will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory. There appears to be no objection to this case being consolidated with those of Moses Hardrick, et al., and in your letter of May 19, 1906, it is stated that the ancestors through whom the principal applicants in both cases claim Cherokee freedman citizenship, returned to the Cherokee Nation at the same time.

In your letter of May 16, 1906, you advise the names and addresses of the witnesses you propose to introduce in the Hardrick cases, and you are advised that you will be permitted to introduce the testimony of the witnesses named by you, in the Irons cases, if you so desire. If it is your deigre to introduce in the

Irons cases witnesses other than those mentioned by you in your letter of May 16, you will be required to furnish this office the names and addresses of the additional witnesses proposed to be introduced, in sufficient time to enable this office to give the attorneys for the Cherokee Nation at least two full weeks notice of such additional witnesses.

The Cherokee Nation will be permitted to appear on the above date and introduce in rebuttal, such witnesses as it desires in these cases.

For your information a copy of Departmental letter referred to is enclosed herewith.

Respectfully,

Acting Commissioner.

LMB

Encl. B 74

Cherokee Freedmen
R 36 et al.

Muskogee, Indian Territory, May 24, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906 the attorneys filed a motion for a new trial in the cases of Alth and Oscar Moore, and that on February 16, 1906, they filed a motio for a n w trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason

being shown to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Wahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Jesse Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

You are therefore notified that these cases will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906. There appears to be no objection to the Irons cases being consolidated with the Hardrick cases.

In a letter dated May 19, 1906, from Starr and

Patten, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for the applicants have this day been notified that they will be permitted to appear before the offices of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

LWB

Acting Commissioner

Cherokee Freedmen
D 253

Muskogee, Indian Territory, May 25, 1906

Elias Lyons,

Ketchum, Indian Territory.

Dear Sir:

In connection with your Cherokee freedmen enrollment case you are advised that this office is in receipt of Departmental letter of May 11, 1906, in which a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 16, 1906, for a new trial in your case is granted by the Department, and the record in the case returned to this office and a rehearing ordered to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department states that on April 27, 1906, the attorneys for the applicants in the cases with which your application was consolidated, requested, in the event of

favorable action upon the motion filed in the case, that they be considered with the cases of Moses Hardrick, et al. which were remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections, you will grant said request."

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16, 1906, in reference to the cases of Moses Hardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Hardrick, et al., and the attorneys have been so advised.

Respectfully,

TMB

Acting Commissioner

(C O P Y)

Vinita, I.T. May 30, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Irons et al. as Cherokee Freedmen, we desire to inform you that we have selected the following witnesses on the part of the applicants and we are ready to have them present before the Honorable Commissioner at the time this cause is set for re-hearin :

Calvin Ross, ...Iola, Kansas.
Elizabeth Thomas/ . ? . . Iola, Kansas.
John C. Thomas, ... Iola, Kansas,
Mrs. Sarah Bird . . . . . .R.F.D. #3, Longton, Kansas,
Phelix Lorance . . . . . R.F.D. #6 Howard, Kansas.
James Cristy . . . . . Geneva, Kansas.
Jack Morris Sr., ... Iola, Kansas,
John walters,-- Table Mound Cement Works, Independence Kans
Mrs. Maggie Harville, . . . Iola, Kansas.
Andy Fry, ... Ketchum, I. T.
Millie Fry . . . . . Ketchum, I. T.
Tobias Bean . . . . . Ketchum, I. T.
Leander Bean . . . . . Ketchum, I. T.
Thomas H. Moore, ... Ketchum, I. T.
Rosa Moore, ... Ketchum, I. T.
Cynthia Lynch, ... Ketchum, I. T.
Simon Lynch, ... Ketchum, I. T.
T. . Thompson, ... Vinita, I. T.
Arthur Bean . . . . . Ketchum, I. T.
Joe Davis . . . . . .Vinita, I. T.
Reb Downing . . . . . Catale, I. T.
Jennie Downing, ...Catale, I. T.
Daniel Sanders, ... Centralia, I. T.
Joseph Bean . . . . . Chaffee, I. T.
We will also recall Nelson Moore, witness for the Cherokee Nation, for further cross examination.

Respectfully,

Starr & Patten
Attorneys for applicants

Cherokee freedmen
R 34

Muskogee, Indian Territory, June 4, 1906

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 30, 1906, advising the names and addresses of the witnesses you propose to introduce in the Cherokee Freedmen enrollment case of George Irons, et al.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 36

Muskogee, Indian Territory, June 4, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of letter from Starr and Patten, attorneys for applicants in the Cherokee freedmen enrollment case of George Irons, et al., advising that they will introduce the testimony of the following witnesses on behalf of the applicants:

Calvin Ross, ... Iola, Kansas
Elizabeth Thomas, ... " "
John C. Thomas, ... "
Mrs. Sarah Bird, ... R.F.D. #3, Longton, Kansas
Phelix Lorance . . . . . R.F.D. #6, Howard, Kansas
James Cristy, ... Geneva, Kansas.
Jack Morris, Sr. . . . . Iola, Kansas
John Walters, . . . Table Mound Cement Works, Independence,
Mrs. Maggie Harville, . Iola, Kansas
Andy Fry, ... Ketchum, I. T.
Willie Fry, ... " " "
Tobias Dean, ... " " "
Leander Dean, ... " " "
Thomas H. Moore, ... " " "
Rosa Moore, ... " " "

Cynthia Lynch, ...Ketchum, I.T.
Simon Lynch, ... " " "
T. F. Thompson, ...Vinita, " "
Arthur Dean, ... Ketchum, " "
Joe Davis, ... Vinita, " "
Zeb Downing . . . . . Catale, " "
Jennie Downing . . . . . " " "
Daniel Sanders . . . . . Centralia" "
Joseph Dean, ...Chaffee, I.T., and will re-

call Nelson Moore , witness for the Cherokee Nation, for further cross examination.

Respectfully,

LMB

Commissioner

Cherokee
F H 574 et al.

Muskogee, Indian Territory, July 23, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al., and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-25.
GHL

Commissioner.

Cherokee
F R 574 et al.

Muskogee, Indian Territory, July 23, 1906.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-26.
GHL

Commissioner.

Cherokee F.
D 853
Cherokee

Muskogee, Indian Territory, February 13, 1907.

Elias Lyons,

Ketchum, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting, among others, the application for the enrollment of yourself and Nelson J. Lyons as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and they have this day been forwarded a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.HJ-32
JMH

Commissioner.

Register.

Cherokee F.
R 574 et al.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-381.
HJC

Commissioner.

Cherokee F.
R 574 et al.

Muskogee, Indian Territory, February 13, 1907.

W.W.Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-38.
HJC

Commissioner.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, LeRoy, William, Mabel, Leona and Elisa J. Hardrick, Arthur, Ethel, Mattie, and Claud Lynch, Mary Hardrick, Amos, and Jackson Lonlen, George, Bertha and Bettie Irons, Minora Nivens, Bettie Mayes, Richard and Mollie Nero, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Elisa Lynch,

as Cherokee freedmen.

On April 5, 1906 (I.T.D.6968-1904; 8381, 8383, 8385, 8821-1905; 1935, 2830, 5398-1906), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Moses Hardrick, et al., and remanded the case to this office for further hearing and readjudication, and on May 11, 1906 (I.T.D. 8058, 8603, 8741-1905; 1867, 1895, 4667-1906), the Department remanded to this office for further hearing and readjudication the case of George Irons, et al.

Respectfully,

Encl.HJ-39.
HJG.

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

LAND.
16327-1907.
19108- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(COPY)

February 27, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Hardrick, et al. , as Cherokee freedmen, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the application for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, LeRoy, William, Mable, Leona and Eliza J. Hardrick, Arthur, Ethel Mattie and Claud Lynch, Mary Hardrick, Amos and Jackson Lonien, George, Bertha, and Bettie Irons, Elnora Nevens, Bettie Mayes, Richard and Mollie New, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief

and argument in support thereof, filed in this office on February 25, 1907, by McGowan, Serven & Mohun, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

FWE--SB.

W.H.M.
J.P.

DEPARTMENT OF THE INTERIOR,

D.C.12639-1907.

LBS. WASHINGTON.

I. T. D.
5696, 5712, 5714, 5716,
5723, 5760, 5808, 5822,
5826, 5836, 5860, 5862,
5880, 5866, 5870, 5872,
5880, 5910, 5913, 5934,
5942, 5940, 5948, 5950,
5954, 5960, 5970, 5972,
5973, 5993, 6000, 6002,
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of case.	Date of your letter of transmittal.
Moses Hardrick, et al. (freedmen),	February 15, 1907.
Alexander M. Anderson,	February 21, 1907.
Emiline Patrick,	February 19, 1907.
Leona Arreta Kincaide,	February 12, 1907.
Neoma Worley Hicks, (freedman),	February 12, 1907.
James McCamish,	February 2, 1907.
George W. Hill,	February 15, 1907.
Lydia M. Ward, et al. (freedmen),	February 12, 1907.
Mary K. Coker,	February 8, 1907.
Charlotte M. Laughlin, et al.,	February 21, 1907.
Jessie Lee Lignon, et al.,	February 15, 1907.
Joseph Henson,	February 14, 1907.
John Earl Redfearn, et al.,	February 15, 1907.
Minnie L. Peace, et al. (freedmen),	February 13, 1907.
Clark B. Garmany,	February 19, 1907.
George E. Freeman (freedman),	February 16, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Skaggs, et al.,	January 17, 1907.
Alverta Flemmings, et al. (freedmen)	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
D.H. Flourney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Roxie Christine Binns,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarance Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson.

Assistant Secretary.

32 enclosures, and
70 enclosures to Ind. Of.,
with carbon hereof.

A. F. Mc.
3-2-07.

Cherokee F.
D 253.

COPY

Muskogee, Indian Territory, March 22, 1907.

Elias Lyons,

Ketchum, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of yourself and son, Nelson F. Lyons, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

Tams Bixby
Commissioner.

LMC

Cherokee F.
R 631.

COPY

Muskogee, Indian Territory, March 22, 1907.

Starr & Patten,

Attorney for Moses Hardrick, et al.,

Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-49
LMC

Commissioner.

Cherokee F.
R 574 et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-50
LMC

Cher Fr R 854
Trans. from Cher Fr D 257

Cher Fr R 854

DEPARTMENT OF THE INTERIOR;
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 14 1901
CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 11, 1901.

In the matter of the application of Abbie Bly for the enrollment of herself and two children as Cherokee Freedmen.

Abbie Bly, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abbie Bly.
Q What is your age? A I don't know my age.
Q About how old are you? A I can't tell you, my mistress is sitting here, she can tell you better than I can; I don't know my age.
Q Well, what is your post office? A Spavinaw.
Q What district do you live in? A I live in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Two children; I have six but they are all grown but two.
Q What are the names of the children? A Minnie and Calis.
Q How old is Minnie? A I have her age here in my pocket (hands Commissioner paper.)

Commissioner: Minnie Bly, 16; Calis, 12.

Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Well, I don't know whether they recognized me or not.
Q Is your name on the roll of 1880? A No, sir, I think not.
Q Did you draw strip money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kerns-Clifton roll examined, and the applicants identified thereon as follows:
Abbie Bly on page 158, No. 3897, Coowescoowee district, as Abbie Blye.
Minnie Bly on page 158, No. 3899, Coowescoowee district, as Minnie Blye.
Calis Bly on page 158, No. 3900, Coowescoowee district, as Callus Blye.

Q Did you ever apply to any other nation to be enrolled besides the Cherokee Nation? A No, sir.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Bly.
Q What was his first name, his given name? A Jim Bly.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q An Indian? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war between the United States and the Confederacy? A Yes, sir, I went out.
Q Where did you go? A I went in the State.
Q What state? A Well I don't know what state, I just went into the state.
Q North or south? A I went north.
Q To Kansas I except? A Yes, sir, I expect so.
Q Well, when did you come back from Kansas to the Cherokee Nation?
A I came back in the fall of '66.
Q Have you been living here ever since, in the Cherokee Nation?
A Yes, sir.
Q Do you know why your name isn't on the roll of 1880? A No, sir, only just because they wouldn't put me there is all I know.
Q You are sure you came back in '66? A Yes, sir.
Q Been living here ever since? A Yes, sir.

By W.W.Hastings, Cherokee Attorney: You belonged to Jim Bly before the war? A Yes, sir.

Q He sold you to a man in Missouri? A No he didn't he never sold me to no man in Missouri.
Q Before the war? A No he didn't.
Q You lived in Missouri? A Well he never sold me to no

man and I never lived there that I know of.

Q You lived before the war in Missouri? A No, sir.

Q Did you live there during the war in Missouri? A Well my mistress is back there, you can call her, I was too young to tell anything about that, she is here to answer for that.

Q How old are you now? A I can't tell you my age, she will answer for that, I told you as far as I could.

Q You were grown when the war came up? A I was a nurse in the house.

Q Who did you come back to the Cherokee Nation with after the war? A I came back with a white family.

Q What white family? A With a family by the name of Dodson, or some such as that.

Q You don'w know one year from another? A No, sir, don't know one year from another only when I hear it.

Q Have you heard what this year is? A Well I expect I have.

Q What is it? A I can't remember, I guess I have heard what year it is if I could remember it.

Q Do you know any other year except '66? A Yes, when I hear them called.

Q What other year have you heard called? A I am not supposed to tell you because I didn't keep no record of it.

Q You don't know a single one? A No, sir, I don't.

Q Who told you to say '66 when you came in here? A Nobody only myself, I know that is what the people said when the party came here at that time.

Q You never heard anybody call a single date since then? A Yes, I guess I could if I could read and write like you can, I guess I could remember something about it.

Q Man by the name of Dodson brought you? A Yes, by the name of Dodson.

Q Did you come on this Frisco train? A No, sir, there wasn't any trains here, you know there wasn't any trains here.

Q Where did you come from? A I done said where I come from as near as I can.

Q Where is that? A I told you I come from Kansas.

Q What place in Kansas? A I don't know what place.

Q You don't know anything about that? A No, I told you just as near as I can tell you now.

Q How did you come, in a wagon? A Yes, sir, come in a wagon.

Q Anybody else besides the man come with you? A Yes, sir, his wife was along.

Q What was her name? A I never asked her name only I reckon her name was Mrs. Dodson, that was her husband's name.

Q Where did you come to in the Cherokee Nation? A Why we camped up on Grand River, they camped there a while.

Q What part of the Grand River? A I don't know what part, just the Grand River is all I can tell you, I don't know what part, but I never thought I would ever have to give any record of it, I never thought any more of it.

Q You were not married then? A No, sir, I wasn't.

Q How long did you camp up there with them? A Well, I don't know how long I camped.

Q A few weeks or a few months? A I don't know, because it has been so long I can't tell you how long I camped.

Q Near what point, what town or place was that? A There wasn't no town.

Q Just camped on the river? A Yes, sir.

Q Anybody live around there? A Well, I suppose there was.

Q You never knew any of them? A No, sir, I didn't.

Q Well, where did you go from there? A On Grand River down here back on the river.

Q Well, into what neighborhood? A Down here close to the Island Ford, they call it, or Tanyard Ford, or something.

~~Q About how many yea~~

Q About how many years have you been down there? A I can't tell you how many.

Q Three or four? A No, I have been there for years, ever since I came here.

Q Did you stay as much as a year up above here? A Well now I have answered all the questions I can answer you.

Q I mean in that camp? A Did I stay a year; I told you I don't know how long I stayed, I camped there, I don't know whether it was a year or not because I didn't keep any record of it.

Q Was it longer than a month? A I suppose it was longer than a month, I know I was there quite a little while.

Q What were the people doing while you were camping up there, Dodson and his wife? A Nothing only walking around, camping up there, they were moving.

Q You don't know where they got provisions? A I got it from them.

Q You don't know where they got it? A No, I don't, bought it I reckon.

Q Any other colored people with you? A No, sir.

Q What became of these people? A Now I can't tell you, I don't know where they went.

Q You don't have any idea how long you stayed there? A No, sir.

Q You were married? you have been married? A Yes, sir.

Q What was your husband's name? A His name was Wilderbrand.

Q And you and him were married before then? A No, sir, I have answered you all the question I can answer you, I have done answered all that is required I think.

Q What is your oldest child's name? A She will tell it in when she comes in.

Q Don't you know?

Commissioner: Tell us her name.

A Her name is Anna.

Mr. Hastings: Where was Anna born? A She was born the year after peace was made.

Q Did you have Anna along with you? A She was a little bit of a baby; I brought her here a baby.

Q You brought her here a baby? A Yes, sir.

Q Your husband wasn't along you state? A No, I didn't have any.

Q Where was Alice born; did you have a child named Alice?

A Alice was born in the Nation.

Q I say where was Alice born? A Born in the Nation, I can't tell you.

Q What part of the Nation? A I don't know, I have told you in the Nation, I don't know what you want to ask people so many questions for when they have told you.

Q You don't know what place? A No, I don't remember what place she was born in the Nation.

Q Was she born up there where you were camping? A No, sir, she wasn't born in the camp.

Q You don't know what place, what house, with whom you were living? A I have done answered you all I can answer you.

Q You don't know? A I didn't know I have to tell you everywhere they were born at.

Commissioner: Where was Alice born; you know about where she was born? A Yes, sir, she was born on the river in an old house there.

Mr. Hastings: In what settlement was that; who were your neighbors? A Well, I had several neighbors.

Q At the time Alice was born? A Part of them is dead and the others was young.

Q Them that are living? A Them that are living are so young they can't tell anything about it.

Q What are their names? A Aunt Nancy was one of them, and Aunt Charlotte was another.

Q What were their other names? A Aunt Nancy Lynch and Aunt Charlotte Adams.

Q You have been living down there on the river ever since, have you? A Yes, sir.

Q Near Island Ford or Lynch's Prairie; you are living there now? A Yes, sir.

Commissioner: Have you got any witnesses? A Yes, sir, there is my mistress sitting there.

-----o-----

Jemima Bly, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jemima Bly.

Q About what is your age? A 68.

Q What is your post office? A Vinita.

Q Are you a Cherokee citizen? A Yes, sir, by blood.

Q Do you know Abbie Bly? A Yes, sir.

Q About how old is she? A She was about two or three yearsold, I don't know which, when I married in '49; she was just a little girl.

Commissioner: About 56 years old.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A She belonged to Mrs Tucker, Polly Tucker, first.

Q Did she ever belong to your family? A Yes, sir, her mother belonged to Bellie Tucker and afterwards we bought her from Polly Tucker's daughter, Mr. Bly did.

Q Mrs. Bly, did Abbie go out of the Territory durin the war? A We all moved out.

Q North? A We moved out just across over the line into Missouri.

Q Abbie went along with you? A Yes, sir, Abbie was with us.

Q When did Abbie return? A She came home in '65 just over in the State of Missouri and then I don't know anything more of her till I found her in Vinita in '79; that was the time my oldest daughter died in '79, and she came to us, came in, that is the reason I know it was '79 that she came back in, account of the death of my daughter; she was in the Nation at that time but I don't know how long before.

Q You don't know then how soon she returned to the Nation after you saw her in Missouri? A No, sir, she was trying at that time to make her way back.

Q That was in '65? A That was in '65.

Q Over in Newton County, Missouri, she was trying to make her way back? A She was trying to make her way to the Nation at that time and we were not coming back and she went on and I don't know where she went and I don't know what became of her until I saw her here in '79; she was living over here in this neighborhood that she spoke of, down on the river.

Q She has been living then in the Cherokee Nation since that time?

Q I know she has been living in the Cherokee Nation ever since '79 for I have seen her occasionally, once or twice a year.

Q But where she was from '65 to '79 you don't know? A No, sir.

Mr. Hastings: Your husband was named Jim Bly? A Yes, sir.

Q Is he alive? A I don't know whether he is or not, he has been dead to me ever since '79; I have never tried to force myself in regard to him; he outedly told me 'I can't support you all and I will not do it and you can starve to death for all I care.'

Q Well, as we want is the facts. A You might have known if Mr. Bly had been living and had been living with me, he would have been living with me.

Q Isn't it a matter of fact that Mr. Bly sold this girl out to a man in Missouri before the war came up? A No, sir, he didn't; if he swore that he is mistaken.

Q He didn't sell her before the war came up? A If he swore that he is mistaken; he made a mistake if he swore that.
Q You know he owned her at the time the war came up? A I know Mr. Hastings he owned her in '65 for Mrs. Marks was my baby in '65 and this was the nurse for Mrs. Marks.
Q Where did you live at that time? A Mr. Bly had gone over in Missouri to settle up his father's business that he died and left unfinished over there, and when we were there the war came up.
Q When did you go over to Missouri? A Before the war.
Q How long? A I didn't keep any dates.
Q About how many years? A If you will let me I will go and get my family record and let you examine it.
Q I don't care if you get forty of them at home, I just want you to remember it? I don't care for the month and week and day but I want to know how long to the best of your recollection before the war came up you went over there? A We went over there temporarily, we didn't withdraw from the Nation to go over there.
Q About how long were you over there temporarily before the war came up? A We were over there two or three years, I don't know, I am not positive.
Q To the best of your recollection? (No response.)

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Sep Hicks, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q What is your age? A 53.
Q Are you a citizen of the Cherokee Nation? A Yes,sir.
Q By blood? A Yes, sir.
Q Do you know Abbie Bly, the applicant? A Yes, sir.
Q Do you know where she was in '66? A No, sir.
Q When did you know her? A I have known her about 25 or 26 years.
Q Did you ever become acquainted with her till after '66? A No,sir
Q Do you know whether she was a slave or not? A No, sir.
Q Do you know when she returned to the Cherokee Nation? A No,sir.
Mr. Hastings: You live down here near the Lynch settlement? A I did,yes, sir.
Q You lived there from '65 on up to when did you move to Vinita?
A Just this last fall; just one or two years I lived there on Rock Creek.
Q You have known this woman for 25 or 26 years? A Yes, sir, to the best of my recollection.
Q How far did she live from you down in that settlement when you first knew her? A About four miles.
Q That is when she first came there to your recollection? A That is the first I ever seen her and knew of her.

-----o-----

Commissioner: Abbie Bly applies for the enrollment of herself and two children, Minnie and Celia. From an examination of the authenticated roll of 1880, her name is not found thereon, nor the census roll of 1896, but her name is found upon the Kerns-Clifton roll. The names of her children Minnie and Celia are found upon the Kerns-Clifton roll. She makes satisfactory proof of residence, and will be listed for enrollment as a Cherokee Freedman upon a doubtful card for the further consideration of the Commission. When the Commission arrives at a conclusion in her case, she will be notified by mail.

****

Abbie Bly - 6.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 14th of May, 1901.

Commissioner.

16 T.R. 357

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 11 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 11, 1901

Post Office Appomattox I.T.

District Sabine.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1. Name of wife Abbie Blythe ..... Age 60

Owner's name Jno Blythe ..... Citizenship .....

Year AL, Page 158 No. 3897 District Coo

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

2. Minnie Blythe Year AL Page 158 No. 3899 Dist. Coo 16
3. Calvin " Year AL Page 158 No. 3900 Dist. Coo 12
5. Year ..... Page ..... No. ..... Dist. .....
6. Year ..... Page ..... No. ..... Dist. .....
7. Year ..... Page ..... No. ..... Dist. .....
8. Year ..... Page ..... No. ..... Dist. .....
9. Year ..... Page ..... No. ..... Dist. .....
10. Year ..... Page ..... No. ..... Dist. .....
11. Year ..... Page ..... No. ..... Dist. .....
12. Year ..... Page ..... No. ..... Dist. .....

Application made by WSH Stenographer A. C. Jones

1 on roll as Abbie Blyte
2 " " " " " Minnie "
3 " " " " " Calvin

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Abbie Blythe, Cherokee Freedman Doubtful Card #357.

APPLICANT and the REPRESENTATIVE for the CHEROKEE NATION, present:

JIM ALBERTY, called and sworn by Commissioner T. B. Needles as a witness for the applicant, testified as follows:

Q What is your name? A. Jim Alberty.
Q How old are you? A. 70.
Q What is your post office address? A. Chouteau..
Q Are you a recognized citizen of he Cherokee Nation? A. I cannot tell you, I drawed the money.
Q Do you know Abbie Blythe, the applicant here? A. Yes sir.
Q How long have you known her? A. I have known her a long time, some before the war.
Q Was she a slave? A. Yes sir.
Q Whom did she belong to? A. Jim Blythe.
Q Was he a citizen of the Cherokee Nation? A. Yes sir.
Q Was he an Indian? A. He was pretty white.
Q Was Abbie Blythe out of the Cherokee Nation before 1866, during he war? A. No sir,—I dont know.
Q Where was she in 1866? A. On Grand river with some white people in camps.
Q In the Cherokee Nation? A. Yes sir.
Q Has she lived here continuously ever since? A. Yes sir every time I seen her.
Q The first time I ~~saw her~~ you saw her wa in 1866? A. Yes sir in camps.
Q Where? A. On Grand river in the Cherokee Nation.

By L. B. Bell, Cherokee Representative:

Q Where about on Grand River did you see her? A. Some where near Carey's Ferry.
Q How long did you stay with her there? A. I didnt stay with her, I just passted by there and she asked me the war to go to Mrs. Blythe's.
Q And you just passed on and didn't see her any more? A. No sir.
Q What was you doing there? A. I was just passing by there that was all.

= = = = = = = = = = =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Stenographer

Subscribed and sworn to before me this 20th of May, 1901 at Vinita, I. T.

Commissioner.

257

D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1901

ACTING CHAIRMAN.

NOTICE.

IN THE MATTER OF The application of Abbie Blythe for enrollment as a Cherokee Freedman:

Case No. F. D. 257

To Abbie Blythe

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on the following dates, to-wit: Oct. 1st A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ..... day of ..... , 1901.

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.....

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Abbie Blythe for enrollment as a Cherokee Freedman.

No. F. D. 257

Henry Pack, of lawful age, being duly sworn on oath states that on the 10th day of September, A. D., 1901, he registered to Abbie Blythe whose postoffice is Spavinaw Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 27th day of September, 1901, he received the return card which is hereto attached, signed by the said Abbie Blythe, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 27th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

Supl.C.T.D.#257.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 2d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Abbie Blythe as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. I. P. Bledsoe, Agent for applicant;
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

JAMES C. BLYTHE, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your full name, Mr. Blythe? A James C. Blythe.
Q How old are you? A Well, according to the record I was born in 1824, July 7th.
Q What is your post office? A Bartlesville.
Q How long have you lived in the Cherokee Nation? A I have been principlapply been raised here.
Q Pretty much all yourlife? A Yes, sir.
Q Were you born here in the Nation? A I was born in the old Nation.
Q Came here with the Cherokees when they moved to this country?
A Yes, sir, I moved here with the Cherokees when they moved here
MR. DAVENPORT: Did you own any slaves prior to the breaking out of the Civil War, Mr. Blythe? A Yes, sir.
Q Where were you living at the time the war broke out? A I was living in McDonald County.
Q What State? A Missouri.
Q About how many years had you been over there in McDonald County, Missouri, before the breaking out of the war? A I think I moved there in '56, to the best of my knowledge it was in '56.
Q Well, did you have any slaves over there with the from the time you moved there up to the time the war broke out? A Yes, I had one slave that I moved up to that place.
Q Did you have a slave when you moved there by the name of Abbie?
A Yes, sir.
Q You owned a slave prior to the breaking out of the war?
A Yes, sir, I bought one after I moved to that place, I don't know it must have been a year or two afterwards, after I moved there.
Q A year or two after you moved to Missouri you bought this slave Abbie? A Yes, sir.
Q Now what became of Abbie; did you continue to own her up until the time she was freed? A I sold her during the war.
Q Who did you sell her to? A I sold her to Jim Lamance, he was Clerk of the Court there.
Q What became of him? A I expect he is dead now.
Q What was his post office, Mr. Blythe? A At that time Pineville, Missouri, McDonald County.
Q Did you know any man by the name of Dodson who lived near you in McDonald County, Missouri? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A No, sir, he never came here that I knew of.
Q Where were you living when the war closed? A My residence was at the same place.
Q Your residence was at Enterprise? A Yes, sir.
Q You had enlisted during the war; been in service? A Yes, sir, I was a soldier during the war.
Q Well, afteryou sold Abbie when did you next see her and where was she when you saw her? A I was at Enterprise, McDonald County.

Q About what year was that, if you remember? A Best of my recollection it was between 1862 and '3.
Q I am speaking now not when you sold her, when you saw her after you sold her? A Well, it was the spring of '66, she came to my residence there and wanted to come back as before and I was broke up and told her she was as free as I was and look out for herself.
Q When did you move back to the Cherokee Nation after the war?
A I moved back in '68.
Q Where did you locate when you came back? A Tahlequah.
Q How long did you live at Tahlequah before you left there, Mr. Blythe, about how many years? A I lived there from '68 until '71.
Q When you left there in 1871 to what point did you come?
A I come to this place.
Q From the time you moved from Missouri until you came to Vinita had you seen Abbie, this wlave you had owned prior to the war?
A No, sir, I never had saw her.
Q Did you see her after you moved to Vinita? A Yes, I saw her.
Q When was it with reference to the time you moved to Vinita and where did you see her? A She came to me at this place and she said she was hunting me up to find the best place to locate and I told her how she had a right to locate there and I told her to pick on a place and go to work, that I supposed it would be all right, and she located out here east of Little Cabin.
Q Did you have any conversation with her as to where she had been?
A I asked her the question where she had been and she said she had been up in Missouri and I said where did you come from here; I said did you just come in and she said yes; and I said where did you come from and she said Granby.
Q Now, is there anything that fixes the time with reference to Vinita after you came here? A It was after the railroad came here that I came to this place.
Q Which road do you have reference to? A This Texas road.
Q M. K. & T.? A Yes, sir, the road wasn't put there at that time.
Q You have known her since that time? A Yes, sir, she has been here ever since; I see her here frequently, at least she told me she was living out there.
Q From whom did you buy this Abbie if you remember? A I bought her from a nephew of mine that lives here in the Nation.
Q Did he live in the Nation at the time? A Yes, sir.
Q That was in the '50s? A Riley Blythe wasthe man's name I bought her from.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q And she was living with you in the State of Missouri at the breaking out of the war? A Yes, sir.
Q And you sold her? A I sold her during the war.
MR. BLEDSOE: Mr. Blythe, you state that you sold this woman, Abbie, during the war; do you know what time you sold her? A Well as I stated it was between '62 and '3, it was before the Proclamation came out. I don't suppose I could have sold her after she was freed
Q I didn't know but what you had sold her after the expiration of hostilities; she was your slave then up to the commencement of the war in '61? A Yes, sir.
Q And you were a Cherokee citizen at that time? A I was a Cheroke but I wasn't living in the Cherokee Nation at that time.
Q Who was your wife, Mr. Blythe? A She was a Rogers.
Q What was her name ? A Jemima.

Q A few questions here "Is it a matter of fact that Mr. Blythe sold this girl out to a man in Missouri x before the war"; andswer: "No, sir, he didn't; he if swore that he is mistaken;" consequently there seems to be idfference of opinion. "He didn't sell her before the war came up; if he swore that he is mistaken:" "You know he owned

her at the time the war came up I know, Mr. Hastings, he owned her in '65 for Mrs. Marks was my baby in '65 and this was the nurse for Mrs. Marks". A Yes, I know when the war came up; I don't knowt that I made a statement of that kind.
Q Did you or not, Mr. Blythe, testify before the Kern-Clifton Commission that you sold her in 1865? A I never sold her until the war came up.
Q Didn't you state before the Kern-Clifton Commission that you sold this woman in 1865? A No, sir, never did; it is wrong print if I did.
Q Isn't it a fact now that she nursed Mrs. Marks as stated here by your wife? A I guess she did.
Q Whom did she belong to at that time? A At the time she nursed Mrs. Marks?
Q Ye ? A She belonged to me.
MR. DAVENPORT: Well, in 1865 she nursed Mrs. Marks and belonged to you? A It was in 1862; I think she was mistaken in the year.
Q Well, you know whether or not positively she belonged to you in 1865 after the Emancipation Proclamation? A Yes, sir.
Q The testimony to which your attention was called would sho nursed Mrs. Marks or was your slave in 1865? A Oh, shucks, that is all non sense.
Q The Emancipation Proclamation was issuedbefore that time?
A Yes, sir.
MR. DUNDSOE: Mrs. Marks is your daughter? A Yes, sir.
Q Do you know when she was born? A In '62.
Q Then she was not a baby in 1865? A If she was she was a big baby.

MILTON M. CAULK, being duly sworn and examined by Commissioner Brockinridge, testified as follows on behalf of Cherokee Nation:
Q Give me your full name? A Milton M. Cauld.
Q How old are you? A 55 years old.
Q What is your post office? A Chelsea.
Q How long have you lived in the Cherokee Nation? A About 12 years.
MR. DAVENPORT: Where did you live prior to comeing to the Cherokee Nation, Mr. Caulk? A Lived in Missouri.
Q What place in Missouri? A What is called old Enterprise, in McDonald County, Missouri.
Q Where were you living prior to the breaking out of the war?
A I was living in Missouri.
Q Were you living near Enterprise? A Yes, sir.
Q Did you know James Blythe prior to the breaking out of the war?
A Yes, sir.
Q Now his slaves or any of them at that time? A Yes, sir, he had two.
Q What were their names? A Abbie Blythe and Montoe.
Q Did you know a Scott family over there and man by the name of Dodson? A Yes, sir.
Q Do you know whether Dodson ever moved to the Cherokee Nation?
A No, sir.
Q You are a citizen of the Nation? A Yes, sir.
Q Do you know whether or not he was a citizen of the Nation or claimed to be a citizen of the Nation? A No, sir, he never claimed to be a citizen.
Q Do you know whether Abbie Blythe was disposed or to any one durinf the war by Mr. Blythe? A I did not, only hearsay.
Q How long did you know her before the war; had she been living in the State of Missouri? A To the best of my knowledge I think about '55 was when I first got acquaint ed with her, '55 or '6,

latter part of '55 I think.
Q Do you know with whom she was living or to whom she belonged when the Emancipation Proclamation was issued? A My information was she belonged to Mr. Blythe.
Q You don't know whether he disposed to her? A No, sir.
Q Well, do you know anything about her after the war? A No, sir.
Q Well, all you knowis that she was living with Mr. Blythe in the State of Missouri before the war? A Yes, sir.
Q Along in the '50s? A Yes, sir.

This will be filed as additional testimony in Cherokee Freedmen doubtful cases #257, #306, #217, #367, and #368.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribex he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 14th, 1901.

Commissioner.

g. C7W257

File with Cherokee Freedman, D-257, ~~Nellie~~ Abbie Blythe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 190

In the matter of the application of Abbie Blythe for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
I. P. Bledsoe, Agent for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Abbie Blythe, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A Abbie Blythe.

Q How old are you? A I don't know.

Q To whom did you belong when the war ceased? A I belonged to Miss Blythe.

Q Did you nurse Mrs. Marks that is now? A Yes, sir.

Q Were you nursing Mrs. Marks, or was that what you were doing when you left them? A I was her nurse when I left her, nursed Fanny, her oldest child.

Q Where did you go when you left here? A I went in Kansas somewhere, as I stated before.

Q Who did you live there with? A I lived there with a family by the name of Dodson.

Mr. Hastings: Where were you, went to Missouri when you left?

A I don't know whether it was in Missouri or what.

Q You don't know where you were? A Well I said I told you.

Q Well, do you think you were in Missouri when you left and went off with this man, called Dodson? A Yes, sir, I came home here.

Q Weren't you in Missouri when you left? A Yes, sir.

Q How long had you been in Missouri when the war came up? A I don't know.

Q 20 years? A No, sir.

Q Ten? A I don't know.

Q Well, the best of your judgment? A Well I don't know, I haven't got any judgment about it because I don't know.

Q Well, was you up there five years? A I don't know.

Q Had you been there more than that? A I don't know.

Q You have got no judgment at all about it? A No, sir.

Q You know that you were in Missouri when the war came up?

A No, I wasn't, I was in the Nati here when the war came up, at home.

Q Where? A Well I don't know whereabouts. I told you before that I don't know one place from another.

Q You know Missouri from Arkansas? A No, only I have never been to Arkansas.

Q You know Missouri from the Cherokee Nation? A This is the Cherokee Nation.

Q Well, do you know Missouri from this? A Yes, I guess I do.

Q Guess you do? A I have answered all I can answer.

Q That is all you want to answer? A Yes, I don't want to answer no more.

Q Ever live in Missouri? A (No response).

Q Did you ever live in Missouri at any time? A Well now I have done answered you.

Commissioner: Well answer it again, yes or no. A Of course when I came from there when I came back home.

Commissioner: This testimony will be filed with the original case, and with the following cases: D-257, D-306, D-217, D-367, and I-368.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 15th of October, 1901.

Commissioner.

NOV 15 1951

File with C.F. D-257, Abbie Blythe, et al.

SUPPLEMENTAL: C. F. D-257.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T., Oct. 2,1901.

In the matter of the application of Abbie Blythe et al. for enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
J.S.Davenport, Esq., of Attorneys for Cherokee Nation;
I.P.Bledsoe, Esq., agent for the applicant.

JAMES C. CHILDERS, being sworn by Commissioner Breckinridge. testified as follows:

BY COM'R BRECKINRIDGE:

Q Give your full name? A James C. Childers.
Q How old are you? A 53.
Q What is your post-office? A Catale at present.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Well I couldn't hardly answer the question properly.
Q Have you lived here all your life? A Might near, yes, sir, well I will just simply state for the last eight years, the last stay.
Q Where were you born? A I don't know where I was born whether in the Cherokee Nation or Missouri, but right on the line.
Q How old were you when you first remembered the Cherokee Nation? A Well I don't know, three orfour years old I reckon; best of my recollection.
Q Where have you lived other than in the Cherokee Nation?
A Well I have lived a little in Kansas and a little in Colorado and Missouri.

BY MR. DAVENPORT:

Q Where were you living from '55 until '60, Mr. Childers?
A Living right on the line of Missouri, inside of the state.
Q Near what place? A Elk Mills.
Q Was there any post-office known as any place? A Elk Mills was the post-office.
Q Did you know James Blythe along in '50? A Yes sir.
Q About when did you first get acquainted with him? A Well, to the best of my knowledge first acquaintance was about '59 or '60 that I knowed Jim Blythe when I saw him.
Q Where was he living at that time, if you know? A Enterprise Missouri.
Q How far was that from the place where you lived? A Between a mile and a half and 2 miles.
Q Was he engaged in any business over there at that time? A Yes sir, in the mercantile business.
Q Running a store at Enterprise, Missouri? A Yes sir.
Q Do you know whether or not he had any slaves? A There was a couple there, I was always told they belonged to him and his wife.
Q Did you know their names? A I personally know the name of the man, Monroe was his name; I believe they called the girl or a Abbie, but I am not right positive about that.
Q From the time you got acquainted with Mr. Blythe until the beginning out of the war where did he continue to live, do you know?
A From the time I first got acquainted with him until during the war he lived at the same place, Enterprise, Missouri.
Q You don't know what became of Blythe during the war? A He went to Texas or somewhere south time of the war.
Q Did you know him after the war before he came to the Territory?
A Yes sir.
Q Did he live in Missouri any time after the war if you know? A

Q You don't know where he lived? A No, he lived somewheres South.
BY MR. BLEDSOE:
Q You are not positive whether he owned this Abbie or not at that time? A No sir, I wont say that he owned them; it was my understanding that he and his wife did, but I don't know it.
Q Were they recognized Cherokee citizens at that time? A Well they were recognized Cherokees, but they was what we term citizens of the State at that time.
Q Do you know whether he was ever re-admitted or not, afterwards? A I understood he was; after the war he and his wife were re-admitted to the Cherokee Nation.
Q You don't know that of your own knowledge? A No sir.
Q What was the bestof your knowledge at that time, that they were citizens of the Cherokee Nation or citizens of Missouri? A Best of my knowledge as I understood they came to Missouri and bought out this farm, that property there and was doing business, and after the war broke, come up, Mr. Blythe himself went South I think with the army and whenhe come back he moved into the Indian Territory, and was re-admitted. That has been my understanding.
Q What was Mr. Blythe's wife's name? A Jemima Rogers.
Q Do you know a Mr. Tucker, there, Polly Tucker, did you know a Polly Tucker? A Not by that name, no sir.
Q Do you know what time Mr. Blythe went out of the Cherokee Nation; what time was it you saw him in Missouri, that you are speaking of now? A First?
Q Yes? A I couldn't tell you just what time, it was before '60 though.
Q You don't know whether he moved into the Territory then during the war or not? A No sir, I don't think he did; I think his family went to Neoshok Missouri in that g'inity in time of the war and Mr. Blythe went South; he was in the army; that's my understanding, I don't know now though.
Q If Jemima Blythe states that they moved out of the Territory during the war she is mistaken? A Yes sir.
Q She says here, we all moved in just across from the line into Missouri; Abbie went along with us.? A She is mistaken or I am one, badly.
Q Well now we want that matter settled, because here is a woman that stands mighty fine character from what I understand, that states positively that they moved out after the war? A After the war?
Q Yes sir, during the war rather, and that they took Abbie along with them and Abbie was a slave, and thatis a very serious point for investigation if Abbie was a slave during the war when the war broke out, they were citizens of the Cherokee Nation? A I have nothing else to say; that's all I know about it.
Q You wont be positive she wasn't here? A In time of the war?
Q Yes? A She might have been here on a visit.
BY MR. DAVENPORT:
Q You know that they were living out there and Mr. Blythe was engaged in the mercantile business prior to the breaking out of the war? A Yes sir.
Q And he continued to live there until the war broke out? A He continued to live there until he was broke up during the war.

Commissioner Breckinridge: This will be filed as supplemental testimony in the case of Abbie Blythe, et al., Cherokee Freedman Doubtful case 257, and also in Cherokee Freedmen Doubtful cases 306, 217 and 367 and 368.

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Abbie Blythe et al (sup'l) 3

W.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W D Green

Subscribed and sworn to before me this November 9th, 1901.

Commissioner.

F. D. 257

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

MAY 13 1977

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the 16 day of January, 1902.

T. L. Rider

Agent for applicant.

NOTICE!

IN THE MATTER OF the application of Abbie Blythe for enrollment as Cherokee Freedmen:

Case No. F. D 257

To Abbie Blythe or I. P. Bledsoe her Agent

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of , I. T. Indian Territory, on January 27th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 1-15-1902.

L B Bell

N. M. Hopkins

Jas. S. Davenport

Attorneys for the Cherokee Nation.

90457

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902

ACTING CHAIRMAN

Dockets Nos. 90 and 91.

Choctaw and Chickasaw Nations.

Dockets Nos. 90 and 91 are hereby consolidated and will be heard as one case.

Dockets Nos. 90 and 91 are the claims of Mrs. Ada Dobson and Mr. Jesse Dobson, respectively, for allotments in the Choctaw and Chickasaw Nations.

Mrs. Ada Dobson claims that she was born in the Choctaw Nation, and that her father, Jesse Dobson, was a citizen of the Choctaw Nation, and that she was enrolled as such by the Dawes Commission, and that her father was enrolled as such by the Dawes Commission, and that her father died in the Choctaw Nation, and that she was a minor at the time of his death, and that she was a minor at the time of the passage of the act of March 3, 1893, and that she was a minor at the time of the passage of the act of June 28, 1898, and that she was a minor at the time of the passage of the act of May 31, 1900, and that she was a minor at the time of the passage of the act of March 1, 1901, and that she was a minor at the time of the passage of the act of March 3, 1902, and that she was a minor at the time of the passage of the act of March 3, 1902, and that she was a minor at the time of the passage of the act of March 3, 1902

File with C. F. D- 257, Abbie Blythe, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 27, 1902.

In the matter of the application of Abbie Blythe et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
Louis T. Brown, agent for applicants and others;
T. M. Hastings, of attorneys for the Cherokee Nation.

ANNA M. DODSON, being sworn by Commissioner Needles testified as follows:

BY MR. HASTINGS:

Q What is your name? A Anna M. Dodson.
Q What is your citizenship, Mrs. Dodson? A I live in the Creek Nation, but I am a citizen of the United States.
Q You don't claim to be of Indian blood? A No sir.
Q Where did you live before the war? A At Elk Mills, in Donald County, Missouri.
Q That was right on the line wasn't it? A Yes sir, one-fourth of a mile from the Cherokee line.
Q Did you know Mrs. Jennie Blythe? A Yes sir.
Q Did you know her husband, Jim Blythe? A Yes sir.
Q Did you know them before the war? A Yes sir.
Q Did you know a colored woman they had by the name of Abbie? A No sir.
Q Where did you go during the war? A Well would you like to know everywhere I went.
Q No, generally; did you go to Missouri or Kansas? A I went to Missouri.
Q Were you married up there after the war? A I was married in Lee County, Maryland.
Q When did you return to the Cherokee Nation, to your old home, to Missouri I mean? A I returned to my old home in March, 1866.
Q Did you bring any colored person back with you? A No sir.
Q Did Abbie Blythe come back with you? A No sir.
Q How did you and your husband return? A We come in a wagon; we had two wagons, one with horses and one with oxen.
Q Did you return to your old home at Elk Mills? A Yes sir.
Q Right near the Cherokee line? A Yes sir.
Q Did you cross Grand river or what is known in the state as Cowskin river? A Yes sir.
Q About how far south of there did you go? A About a quarter of a mile.
Q And no colored woman came back with you? A No sir.
Q Did you ever see this Abbie Blythe to know her after the war? A No sir.
Q You had no children at that time? A No sir.

BY MR. BROWN:

Q What is your name, please? A Anna M. Dodson.
Q Did any colored person return with you? A No sir.
Q You don't know the applicant in this case at all? A No sir.
Q Was anybody else living in that neighborhood or in any part of the State of Missouri by the name of Dodson? A Not that I know of.
Q Might be some one there and you not know it? A Yes, there might be.

BY MR. HASTINGS:

Q Anyone living anyways near around you by that name except your own family? A No sir.

BY MR. PROUTY:
How far at that time did your acquaintance with the neighborhood extend, as far as the line, or five or six miles? A Yes sir.
Q Well did it extend further than that? A I knew some persons in different parts of the county, but not generally.
Q There might have been some one in the neighborhood of 10 miles by the name of Dodson and you not know it? A Yes sir.

BY MR. HASTINGS: Let that be filed in D-306, D-217, D-367 and D-368.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 31, 1902.

Commissioner.

JOR

Cherokee F-D-257

Department of the Interior,
Commission to the Five Civilized Tribes,
CherokeeLand Office,
Tahlequah, I.T. July 25, 1904.

In the matter of the application for the enrollment as Cherokee Freedmen of Abbie Scott, formerly Blythe, and her children, Minnie and Calis.

SUPPLEMENTAL TESTIMONY/

ABBIE SCOTT, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Abbie Scott.
Q How old are you? A I don(t know my age.
Q Give me the best idea you have? A I was 52 years old at the time of the Wallce payment.
Q How old do you think you are now? A 64 or 65.
Q You claim to be a Cherokee Freedman? A Yes sir.
Q Under what name did you umake application for enrollment? A Abbie Blythe.
Q Have you married since you were enrolled? A Yes sir.
Q When were you married? A A year ago.
Q Give me the day and month? A Last August.
Q August, 1903? A Yes sir.
Q Who were you married to? A M. C. Scott.
Q Is he a Cherokee Freedman? A No sir.
Q You and he living together now? A Yes sir.

Mary B. Risser, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly reported the supplemental testimony in this case and that the foregoing is a true and complete trasnscript of her stenographic notes therein.

Mary B. Risser

Subscribed and sworn to before me this 28th day of July, 1904.

Samuel Foreman
Notary Public.

MBR

Cherokee Freedman D-257.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 28, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ABBIE BLYTHE ET AL., as Cherokee Freedmen.

APPEARANCES:
For Applicants, I. P. Bledsoe.
For Cherokee Nation, J. S. Davenport, and W. W. Hastings.

It appears from the records of this office that on September 12, 1905, the principal applicant, her agent, I. P. Bledsoe, and the attorneys for the Cherokee nation were notified that this case would be taken up for further hearing at this office on Thursday, September 28, 1905, at nine o'clock A. M.

MARTHA E. HANNAH, being first duly sworn, testified as follows:

BY MR. DAVENPORT:
Q What is your name? A Martha E. Hannah or Mattie E. Hannah.
Q What is your post office? A Granby, Missouri.
Q How long have you lived in or near the town of Granby, Missouri?
A Ever since '66.
Q What is your age? A 49.
Q Where had you lived before you came to Granby? A In Lawrence County, Missouri.
Q After you came to Granby, Missouri, I will ask you if you got acquainted with a colored woman who at that time went by the name of Lamance? A Yes sir.
Q Do you know what her first name was that she went by there?
A Frances.
Q You knew her then in Granby, Missouri as Frances Lamance? A Yes sir.
Q About what year did you get acquainted with this colored woman known as Frances Lamance? A In '67 or '68.
Q Where was she living at that time? A Living there in Granby Missouri.
Q Do you know whether or not she had any children at the time you got acquainted with her? A She had one.
Q Do you know what its name was? A Annie.
Q Now when you first got acquainted with her how far was she living from where you were living in Granby? A 150 or 200 yards probably.
Q How long did she continue to live in Granby, Missouri, or about how long, after you got acquainted with her? A 5 or 6 years anyway.
Q During the time she lived in Granby after you got acquainted with her, how far was the farthest she lived from you at any time? A A little over 150 or 200 yards at any time, I don't know, they stayed right around in that neighborhood.
Q Did she have any other children born while living other than the one spoken of? A Yes sir.

Q Do you know what any of their names were? A Alice was one of their names.
Q Do you know whether she had more than the two children when she left there, besides Annie and Alice? A She had more but their other names---
Q About what year did she leave Granby, Missouri, to the best of your knowledge? A About 1872 or 1873.
Q Can you state with whom she left when she left Granby, Missouri?
A A family named Bouseman.
Q Did Bouseman have a family when he left? A Yes sir.
Q Did his family move away with him when this Frances Lamance as you knew her, left there with them? A Yes sir all went together.
Q Did you learn from them where they were ~~fixing~~ leaving to? A I heard after they had gone that they had come to the Nation.
Q Did you ever hear from this Frances Lamance, where she came from directly when she came to Granby, where she had been living just before that time? A At Newtonia, Missouri.
Q She lived, to the best of your knowledge after you got acquainted with her, for 5 or 6 years, in Granby, Missouri, then she and the Bouseman family moved off and you understood came to the Nation? A Yes sir.
Q And that was sometime in the 70's? A Yes sir.
Q Have you ever seen her since that time? A No sir, I haven't.
Q Have you ever seen any of the children? A No sir.
Q You have lived continuously from 1866 up to the present time in Granby, Missouri? A With the exception of 7 or 8 months.
Q Did you know the first name of Lamance that Frances took her name from? A No sir, I didn't.
Q Did you ever know Lamance at all? A No sir, he has been in our town but I never got acquainted with him.

Mr. Bledsoe: I move that the testimony be stricken from the record as it is irrelevant and not binding in the case whatever.

On Behalf of the Commissioner: Objection will be noted.

BY MR. BLEDSOE:
Q Do you know this woman? A No sir.
Q You never saw her at all?

Mr. Davenport: I object to that unless he states who the woman is as the witness has testified that she has not seen any of the children since they left Granby, Missouri.

ON BEHALF OF THE COMMISSIONER:
Q Do you know the name of the father of Alice? A No sir, I don't know, I only know what was said, so far as my knowing, I don't know.
Q Was Alice's mother married when she lived there? A She had no husband in Granby.

W I T N E S S E X C U S E D.

ALICE LYNCH, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Alice Lynch.
Q How old are you? A I don't know my age exactly, I am about 36 or 37.

Q Where do you live? A I live on Grand River.
Q Cherokee Nation? A Yes sir.
Q How long have you been living there? A Been living there ever since I could recollect.
Q All your life? A Yes sir.
Q What is your mother's name? A Abbie Blythe.
Q You are a Cherokee freedman? A Yes sir.
Q Have you got any children, Alice? A Yes sir.
Q What are their names? A My oldest daughter is named Lucy Eaton, Lucy Landrum now.
Q How old is she? A 20 years old.
Q Is she married? A Yes sir.
Q She is away is she? A Yes sir.
Q What is the next one? A Lovey Martin.
Q Is on this list as Lovey Eaton? A Yes sir.
Q How old is she? A 17 or 17 years old.
Q The next one? A Mariah Lynch.
Q How old is she? A About 13 years old.
Q The next one? A William Lynch.
Q How old is that one? A He is 11 or 12.
Q The next one? A Early Lynch.
Q How old is she? A He is 9 or 10 years old.
Q The next one? A Calvin.
Q How old is he? A 7.
Q The next one? A Eddie.
Q How old is he? A 5 years old.
Q Now I want to know who was the father of these children? A Tom Eaton is the father of Rhoda Landrum.
Q He a Cherokee freedman? A Yes sir.
Q Go ahead? A Fred Martin is the father of Lovey.
Q On here as Lovey Eaton? A Yes sir.
Q Next? A William Lynch is the father of all of the rest of them.
Q Were you living with this man as his wife when these children were born? A No sir, not the two oldest.
Q Were you living with any other mn when these children were borN?
A No sir.
Q They were born before you were married? A Yes sir.
Q Born in the Cherokee Nation? A Yes sir.
Q These children all living now? A Yes sir.

BY MR. DAVENPORT:
Q These Eaton children are those mentioned as Lovey Eaton and Lucy Eaton, are children you claim by a man named Eaton? A Yes sir.
Q What is his name? A Tom Eaton is Lucy's father, and Fred Martin is the father of Lovey.
Q You and Tom Eaton married? A No sir.
Q Lived together as man and wife? A Yes sir.
Q Where? A On Grand River.
Q Keep house? A No sir, lived with me mother.
Q He just slipped in and when he got through went away? A No sir, just come when he wanted to.
Q You and Fred Martin ever live together as man and wife? A No sir.
Q Eaton was living with you the same time Fred Martin was? A No sir, when I was living with Tom, Fred Martin never come around.
Q How come you to call this child Eaton? A I never called her Eaton.
Q You never have called her anything else but Eaton until this present application? A No sir, she has always been on the roll as Eaton.

Q Who did you say is the father of Early, Calvin, and Eddie?
A William Lynch.
Q Were you married to William Lynch before either of those were born? A Yes sir, we have 5 children.
Q You say you are about 36 or 37 years old? A Yes sir.
Q Your mother is the woman that goes by the name of Abbie Blythe now? A Yes sir.
Q Have you any brothers or sisters or half sisters? A Yes sir.
Q Any older than you? A Yes sir.
Q What are their names? A Annie.
Q Where is she living now? A Here right now.
Q What name is she known by now? A Annie Reed.
Q How long has her name been Reed? A Well I don't know just exactly. 10 or 12 years I expect.
Q Where has she been living prior to the time she moved down here?
A She has been living in Vinita and on Grand River.
Q When you said she was living here, you mean in Muskogee? A No sir she is just here in the town.
Q Where is her home now? A Backwards and forwards.
Q When she is ~~xxx~~ staying backwards, where does she stay? A At Atoka.
Q When she stays forward where does she stay? A Vinita.
Q Has she had a house in Vinita for the last 15 years? A Yes sir.
Q Whose house does she live in, what part of the twon is it that Annie Reed, if lived in the town, for the last 12 years? A There close to Lucian Buffington's.
Q What direction? A I don't know.
Q Were you ever at her house? A Ues sir.
Q When? A She has not lived there for right at two years.
Q When were you at her house when you were living in Vinita? A I don't know nothing about the years.
Q Where had she been living before she lived at Vinita as you claim?
A On Grand River.
Q What is Annie's father's name? A I don't know.
Q How much older is Annie than you? A I don,t know.
Q efore she was married when name did Annie take? A We all went by the name of Blythe.
Q Annie especially? A I don't know.
Q What was your father's name? A My father is George Walker, I don,t know anything about my father at all.
Q Did your mother ever tell you what Annie's father name was?
A No sir.
Q Did she ever tell you where your father, George Walker, lived?
A No sir.
Q Did you ever see him? A Not that I know of.
Q Your mother would have told you if he ever come around? A It lo ks like she would.
Q Now your next brother or sister younger than you? A My next sister younger than me is named Mary.
Q Is she alive? A No sir, she is dead.
Q The next one? A Edmond Blythe.
Q You say when you can first remember you were living where? A In the nation.
Q What place or at whose place? A The first place I got any knowledge of was up the river at a place that we called Post Oaks Flats.
Q What family of white people were living in the neighborhood or near you at that time, if any one? A I don't know of any white people.

Q What Indian families were living there at that time? A There were some Shawnees by the name of Tiblows and Stephenson.
Q Were the Tiblows living in that section of country when you first remember? A Yes sir.
Q And can't you remember any white family living around there with you or near you? A No sir.
Q Did you ever know a family by the name of Dodson or Bouseman?
A Yes sir, I know this Bouseman.
Q Where were they living when you can first remember? A I don't know when I first remember, they were living on old Mrs. Daniels place.
Q How far was that from where your mother was living? A I don't know exactly.
Q About how far? A Two or three miles I guess.
Q Do you remembrr what Bouseman's first name was? A No sir.
Q Your mother was around the Bouseman family quite often, was she not? A Not that I know of, I was so little then, I don't know w where she was.
Q You knew she was acquainted with the Bouseman family? A I don't know.
Q Did you ever know of your mother being at the Bouseman house?
A No sir.
Q You can't remember when your mother lived in Granby, Missouri?
A No sir, I don't know anything about that at all.
Q You can't remember when your sister Annie, and you and your mother and Bouseman and his family left Granby, Missouri, and came to the Cherokee Nation? A If I could remember I would be sure to know something about it.
Q Do you remember that happenning? A No sir.
Q You don't know anything about where Annie was born, do you? A No sir.
Q You don't know where Annie's reputed father was living at the time she was born, do you? A No sir.
Q You have talked with your mother as to where she went during the war, haven't you? A No sir.
Q Didn't you never hear your mother say anything about her having been out of the Cherokee Nation during the war? A No sir.
Q You are now about 36 or 37 years old, and have never yet heard your mother speak about where she was during the war? A She tells me she was in the country.
Q Your mother tells you she was in the Cherokee nation during the war? A Yes sir, born and raised here.
Q Do you want to swear now that your mother has never told you where she went during the war? A No sir, she has never told me.
Q Who does your mother claim that she belonged to,--that she was a slave? A Jim Blythe and his wife.
Q That is Jim Blythe that lives at Bartlesville, I. T.? A I don't know where he lives.
Q Did you ever see him? A Yes sir.
Q Did you ever hear of a man named James Lamance? A No sir.
Q You never heard your mother speak anything about ever having a man by that name? A No sir.
Q You have never talked with your mother about her being a slave and to whom she belonged? A She always told me she was Jim Blythe's slave.
Q Did she tell you she was in the Cherokee Nation before the war broke out and then belonged to Jim Blythe? A No sir, I don't know nothing of---
Q Don't you know that Jim Blythe wasn't living in the Cherokee Nation when the war broke out but was living at Enterprise, McDonald County, Missouri? A No sir.

BY MR. BLEDSOE:
Q Do you know who your father was? A No sir.
Q Who did you hear he was? A I heard, they say his name was George Walker.
Q Do you know whether he was a white man, freedman, state man, or what he was? A I don't know what he was, more kind of a darkey.

BY MR. DAVENPORT:
Q Was he sometimes called Tom Walker? A Not that I know of.

BY THE COMMISSIONER:
Q Do you know whether your father ever lived in the Cherokee Nation?
A No sir, I don't know.
Q If he ever did you never heard of it? A If he ever lived here I never knew anything about it.
Q Have you more than one child that went by the name of Eaton?
A Yes sir.
Q What are their names? A Lucy and Lovey.
Q What is Lucy's father's name? A Tom Eaton.
Q Were you ever married to him? A No sir.
Q Were you ever married before you lived with him? A No sir.
Q How long did you and he live together? A We lived together about two years.
Q How many children did you have born to you? A Only one by Tom.
Q Which one was that? A Lucy.
Q Did Tom Eaton recognize Lucy as his child? A Yes sir.
Q Did he ever support her? A Yes sir.
Q What is the name of Tom Eaton's father? A I don't know the name of his father.
Q Do you know the name of his mother? A Yes sir.
Q What is it? A Rachel Eaton.
Q Is Tom Eaton living? A Yes sir.
Q What is his post office? A Chaffee.
Q What is the name of Lovey's fat her? A Fred Martin.
Q When you made application for that child's enrollement you gave the name of the father as Thomas Eaton? A My mother did that and it has never been changed.
Q Is Fred Martin living? A Yes sir.
Q What ishis post office? A Wann.
Q Is that in the Cherokee Nation? A Yes sir.
Q Is it up a few miles this side of the Kansas line? A Yes sir, I think so.
Q What was the name of his father? A Fred Martin.
Q What was the name of his mother? A Juno Martin.
Q Is she living? A Yes sir.
Q Is that her present name, Martin? A Yes sir.
Q Now your children, Early, Calvin, and Eddie, are by William Lynch, is he your present husband? A Yes sir.
Q What was the name of his father? A Simon Lynch.
Q His mother? A Nancy Lynch, she is dead.
Q Was William Lynch filed? A He has filed some, but I don't think he has finished up all his filings.
Q You and he live together now, do you? A No sir, he is dead.
Q When did he die? A He died, it will be two years this coming April I think, we were not living together when he died.

W I T N E S S E X C U S E D.

GEORGE FANIELS, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A George Daniels.
Q How old are you? A I am about 49 or 50.
Q Where dé you live? A Up here on Grand river.
Q Cherokee Nation? A Yes sir.
Q You are a Cherokee freedman, are you? A Yes sir.
Q On a straight card, ~~xxx~~ done filed? A Done filed.
Q Do you know this woman that just went out of here, Alice Lynch?
A Yes sir.
Q Do you know a man to be her reputed husband, William Lynch?
A Yes sir.
Q Do you know whether they are living together as husband and wife?
A Yes sir.
Q Do you know anything about their children while they lived together as husband and wife? A Yes sir.
Q Give the names of them, if you can? A Rhoda, Lovey, Mariah, William, Earl, Clavin and Eddie.
Q Were these children all by Lynch? A No sir.
Q Who was the father of the rest of them or do you know, did she have any children before she married Lynch? A Yes sir.
Q Who was the father? A Tom Eaton was said to be the father of one.
Q What was that ones name? A Rhoda or Lucy, and ~~xxxx~~ Lovey was ~~xxx~~ said to be Fred Martin's child.
Q Do you know whether they are all living in the Cherokee Nation now? A Yes sir.

BY MR. DAVENPORT:
Q Is Tom Eaton alive? A Yes sir.
Q Where is he living? A In Saline District.
Q Is Fred Martin alive? A Yes sir.
Q Where is he living? A Out west, near Wann.
Q Fred Martin and she were never married? A No sir.
Q She and Tom Eaton were never married? A No sir.
Q You don't know only what she and some one else told you about them being the father of these children? A No sir, only what they said.
Q Both Fred Martin and Tom Eaton have families? A Yes sir, Fred's daughter is with him now.

BY MR. BLEDSOE:
Q How long have you been knowing this Alice? A About 27 years.
Q Where has she been living since you have known her? A She aint been living over 10 miles from where I first seen her.
Q Where was that? A She was iver ub tge settlenght there by Bolin's ferry in Post Oaks Flats, in the Cherokee Nation.

BY MR. DAVENPORT:
Q That was about 27 years ago? A Yes sir.
Q About 1878 you saw her there? A It must be.
Q Do you know whether a fellow by the name of Bouseman was living there? A Yes sir.
Q Do you remember his first name? A No sir.
Q You know there was such a family? A Yes sir.
Q You lived there ever since shortly after the war? A Yes sir.
Q And you never saw that family there unt il about 27 years ago?
A Yes sir, that is when I first saw her.
Q Do you know whether they came with Bouseman and his family?
A No sir.
Q Do you know who they came with? A Old Uncle Jeff Ross is the man that moved them there.

BY MR. BLEDSOE:
Q When was that? A About 27 years ago.
Q Who was it you mean, brought who in there? A Abbie.
Q Where did they come from, do you know? A No sir.

BY MR. DAVENPORT:
Q Did you ever know of Abbie being called any other given name than Abbie? A No sir.
Q Did you ever know of her being called Frances? A Yes sir, they call her that, that is what she goes by now, and when I first knew her.
Q When you first knew her did you know her as Frances Lamance?
A No sir.
Q But she did go by the name of Frances and that is her real name?
A I couldn't say whether it is her real name or not but that is what she has been called.

W I T N E S S E X C U S E D.

LUCY EATON, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Lucy Eaton.
Q How old are you? A I don't know sir how old I am.
Q About how old? A About 21 years I guess.
Q Where do you live? A Live on Grand river.
Q Cherokee Nation? A Yes sir.
Q Who is your mother Lucy? A Alice Lynch.
Q Do you know who your father was? A Yes sir.
Q Who? A Tom Eaton.
Q Did he ever contribute anything toward your support? A Yes sir.
Q Are you married now? A Yes sir.
Q How long have you been married? A I have been married 4 years.
Q What is your name now? A Lucy Landrum.

BY MR. DAVENPORT:
Q You are Alice Lynch's child? A Yes sir.
Q Your grandmother what is her name? A Abbie Blythe.
Q Has she any other name besides Abbie? A Not as I know of.
Q Did you ever hear her called anything else besides Abbie? A Yes sir.
Q What is that? A Frances.

BY THE COMMISSIONER:
Q What is the name of the wife of Tom Eaton? A I don't know.
Q What is her mother's name? A Rachel.
Q Wha5t is his postoffice? A Chaffee.
Q Has he got some children? A Yes sir.
Q Give some of their names? A A boy named John and a girl named Nina.
Q Have you a half sister and half brother named Minnie and Callis Blythe? A No sir, Minnie is my niece and Callis my nephew.
Q What is the name of their father? A Minnie is Art Williams, and Callis's father is Calvin Hilderbrand.
Q Is Williams living? A No sir, he is dead.
Q How long has he been dead? A I don't know how long.
Q Do you know the name of his father? A No sir.
Q His mother? A No sir.
Q Calvin Hilderbrand is dead too is he? A Yes sir.

Q How long has he been dead? A I don't hardly know, about 6 or 7 years.
Q Was he a state man? A No sir.
Q Cherokee freedman? A Yes sir.
Q Do you know the name of his father? A No sir.
Q Mother? A No sir.

W I T N E S S E X C U S E D.

ALICE LYNCH RECALLED:

BY THE COMMISSIONER:
Q Have you a half brother ad sister named Callis and Minnie Blythe?
A Yes sir.
Q Have they the same father? A No sir.
Q What is the name of Minnie's father? A Art Williams.
Q Is he a Cherokee freedman? A Yes sir.
Q Do you know the name of his father? A No sir.
Q Do you know the name of his mother? A Rachel Lynch I think is the name she went by.
Q Is she living? A No sir.
Q What is the name of Callis's father? A Calvin Hilderbrand.
Q Is he a Cherokee freedman? A Yes sir.
Q Do you know the name of his father? A No sir.
Q Mother? A No sir.
Q If your mother gave the name of the fat her of both of those children as Calvin Hilderbrand, is that right? A I don't know, did she do that.
Q She did that? A I don't know why she did, but some of these old folks are so scarry.
Q Do you know whether your mother was ever married to Art Williams?
A No sir.
Q She wasn't? A Not that I know of.
Q Was she married to Calvin Hilderbrand? A Yes sir.
Q Lawfully married to him? A Yes sir.
Q You have a sister named Nandy Thompson? A Yes sir.
Q She the same father as you? A No sir.
Q Do you know the name of her father? A No sir.
Q Do you know whether he was a Cherokee freedman? A No sir.

BY MR. BLEDSOE:
Q Do you know why your mother cannot be here today? A She is sick.
Q In bed? A Yes sir, she is not able to come, also her husband is very sick.
Q She is getting very old and feeble? A Yes sir, she is bothered with the asthma or something, not able to get about.

W I T N E S S E X C U S E D.

EDWIN BLYTHE, being first duly sworn, testified as follows:

BY MR. BLEDSOE:
Q What is your name? A Edwin Blythe.
Q How old are you? A 33 or 34.
Q Where do you live? A In Saline District at present.
Q Postoffice Spavinaw? A No sir, Chaffee.
Q How long have you lived in the Cherokee Nation? A Lived in the Cherokee Nation all my life.

Q What is your mother's name? A Abbie Blythe.
Q Have you known her to go by any other name but Abbie Blythe?
A Frances Blythe.
Q Have you ever known her to go by the name of Lamance? A No sir.
Q When can you first recollect of being in the Cherokee Nation?
A I don't know what year, it seems to me that I ca remember back several years.
Q Do you know, do you recollect coming to the Nation with anybody?
A No sir, the first to my knowledge of ~~seeing~~ knowing anything at all, we lived in Delaware District, with an old man by the name of Jeff Lyons, that has been a long time ago.
Q Who was your fat her, who was supposed to be your father? A Why Solomon Bl~~ythe~~ was my father so my mother says.
Q Do you know what he was, a white man, freedman, or state man?
A From my best information that I can get he was about half Cherokee and half colored.
Q Is he dead? A Yes sir.
Q How long has he been dead? A I couldn't say but he has been dead ever since, well I don't remember anything about him at all, he died when I was small.
Q Why is it your mother is not here? A She wasn't hardly able to come and then her husband is very sick.
Q She is very old and feeble is she? A Yes sir.
Q You are a Cherokee freedman, you claim to be? A Well I suppose that that is what my mother is, a Cherokee freedman.
Q Is there any Cherokee blood about you at all, how much have you, did you ever know? A About 3/4.
Q 3/4 Cherokee blood? A Yes sir.
Q How much Cherokee blood is your mother? A About half.
Q What moneys did you draw? A I have drawed three payments.
Q What three payments were those? A The first payment I ever drawed ih my life I drew at Tahlequah as a Cherokee by blood.
Q When was that I couldn't tell.
Q With whom were you staying at the time you drew that payment?
A With Captain Ellis.
Q Did you ever go to school, where did you go to school at? A To school there with the Cherokees.
Q Whereabouts? A Right across from the capitol right acro s the branch.
Q There at Tahlequah? A Yes sir.
Q Who drew this money for you ? A Captain EllisL
Q He a Cherokee citizen by blood? A Yes sir.
Q What other payments did you draw? A I drew the Wallace payment and the Kern-Clifton payment.
Q Have you been living in the Cherokee Nation all your life continuously? A Yes sir.

BY MR. DAVENPORT:
Q When you can first remember you were living with Jeff Lyons in Delaware District? A Yes sir.
Q Did you ever know a man by the name of Bouseman? A Yes sir, I have seen him.
Q How far did he live from you? A I couldn't tell you, he didn't live near us to my knowledge.
Q You were not big enough to recollect when your family returned to the Cherokee Nation after the war? A Don't know a thing about it, all I know about Bouseman, the Bouseman I knew come around a good deal and traded through the country.
Q Came around to where your mother was living a good deal, didn't he? A Not no more than he did any place else.
Q Would he put up at your house there quite often? A No sir.

Q Was he ever at your house where your mother was living after you were big enough to recollect? A Yes sir.
Q What became of Bouseman? A He died.
Q Over there in Post Oaks Flats near Bolin ferry? A Not tha I know of.
Q What was your father's name? A Solomon Blue.
Q You don't know anything about your mother coming back, or when she returned? A No sir, not a thing about it.
Q You don't know where you were born? A Nor more than what she tells me.
Q And you are about 35 or 36 years old? A About 33 or 34.

BY MR. BLEDSOE:
Q Have you a sister named Annie Henry? A Yes sir.
Q What is her mother's name? A Abbie Blythe.
Q You and her have the same mother? A Yes sir.
Q What is her husband's name? A Jim Henry.
Q Is he a citizen? A Citizen of the Choctaw Nation.

BY THE COMMISSIONER:
Q Your father died before you were born did he? A I don't think he did.
Q Do you know the name of his father? A No sir.
Q Do you know the name of his mother? A No sir.
Q Do you know whether he was ever recognized as a citizen of the Cherokee Nation? A No sir, not a thing about it.
Q Do you know how old you were when he died? A I couldn't remember anything when he died, I don't suppose.
Q Do you know whether your mother was ever married to him? A No sir, I don't know that there.
Q You never heard of it if they were? A She said she was, she told me she was.

W I T N E S S E X C U S E D.

CAROLINE LANDRUM, being first duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What is your name? A Caroline Landrum.
Q How old are you? A 65 or 70.
Q What is your post office? A Chaffee.
Q You a Cherokee freedman? A Yes sir.
Q Filed? A Yes sir, I have filed.

BY MR. BLEDSOE:
Q Do you know Abbie Blythe? A Yes sir.
Q How long have you known her? A Ever since she was a young thing.
Q She was the slave of a Cherokee citizen? A Yes sir.
Q Who did she belong to before the war? A Jim Blythe.
Q What was his wife's name, she belonged to Jim Blythe and his wife?

Mr. Davenport: I object to that.

Q Was Jim Blythe and his wife living together at that time? A Yes sir.
Q Was she ever sold by Blythe? A No sir.

Mr. Davenport: I object to him bringing a witness on the stand and making the witness perjure herself, because she didn't live in the Blythe family and couldn't have actually known.

Q How close did you live to them before the war? A About 20 miles.
Q Where did you go during the war? A I stayed on Grand river, I went to Kansas and stayed about 6 months.
Q Did you see Abbie Blythe after the war? A Yes sir.
Q What time after the war? A Right away after the war.
Q The first year after the war?

Mr. Davenport: I object to any leading questions.

Q How long after the war had closed did you see her? A I couldn't tell you but it wasn't but a short time.
Q Where did you see her? A On Grand River.
Q Whereabouts, near what place? A She ~~xxx~~ lived close to Gilstrap's ferry.
Q Do you know whether she had any children or not? A Yes sir, she had children.
Q Who are her children? A Edmond, Mary, Annie, Alice, and several more.
Q Do you know where the old lady has been living since you first saw her after the war? A Yes sir, right on Grand River.
Q Cherokee Nation? A Yes sir.
Q She has never been out of the nation to live since? A No sir.
Q Do you know whether these children have lived out of the nation or not? A No sir, none of them, stayed with her and worked out.
Q Do you know whether they drew any moneys or not? A No sir.
Q How far do you live from them now? A Not very far from them.
Q How many miles? A I couldn't tell you just how many miles.

BY MR. DAVENPORT:
Q What year is this? A I couldn't tell you.
Q You are how old? A I couldn't tell you that.
Q You were alive before the war broke out? A Yes sir.
Q To whom did you belong? A Johnson Thompson.
Q And you lived when the war broke out about how near Jim Blythe?
A About 20 or 30 miles.
Q Where was Jim Blythe living when the war broke out? A Up close to the Gilstrap ferry.
Q You don't know where he was living? A No sir.
Q Never had been to his place? A Yes sir.
Q Don't you know just before the war broke out he went to Missouri and went in the mercantile business? A I don't know.
Q If he says he did, would that be correct? A Yes sir.
Q Did you ever know Abbie by any other name besides Abbie? A No sir.
Q Ever hear her called Frances? A Yes sir.
Q Was she married when the war broke out? A No sir.
Q Were any of these children you have mentioned born before the war? A Yes sir.
Q Which one? A I don't know.
Q Which is the oldest child? A This Annie I believe.
Q You don't mean to tell me she was born before the war? A No sir.
Q In fact you don't know anything about Abbie's children as to when they were born? A No sir.

Q When you first saw her after the war, when she first came back to the Cherokee Nation, how many children did she have? A Two or three.
Q I will ask you if she didn't have Annie, Alice, Mary and Edmond? A Yes sir.
Q Those four children were born when you saw her in the Cherokee Nation after the war? A Yes sir.
Q You don't know where she had been living during the war or after the war up until the time you saw her? A No sir.
Q You don't know whether she left the Cherokee Nation during the war or whether she remained in the Cherokee Nation, do yo? A She remained in it.
Q Is she says she went to Kansas and to Missouri, she is liable to be correct, isn't she? A Yes sir.
Q And you have known her by the name of Frances? A Yes sir.
Q Did you ever know a family over there by the name of Bouseman?
A Yes sir.
Q Frances or Abbie was living pretty close to them wasn't she?
A I don't know.
Q You know they lived in the same neighborhood? A I don,t know who she lived with.
Q Don't you know that she lived in the neighborhood of Bouseman or came to that neighborhood with Bouseman? A It is too far back for me.
Q Can you remember the fact that Bouseman and Frances or Abbie Blythe came to that neighborhood together? A I never heard tell how she got in there.
Q When you saw her there wasn't Bouseman also living in t he same neighborhood? A Yes sir.

BY MR. BLEDSOE:
Q She didn't have all four of these children the first time you saw her after the war? A Yes sir.
Q How many children did she have when you first saw her after the war or did she have any? A The first time I ever saw her she didn't have any.
Q After the war? A Yes sir.
Q How long was it before you saw her the next time before she had the four children? A About two or three years.
Q When you first saw her after the war she didn't have any children?

BY MR. DAVENPORT:
Q Are any of these children twins? A No sir.
Q I want to ask you if it isn't the truth when you saw Abbie Blythe after the war if Alice, Annie, Mary and Edmond were born and living with her down there? A Yes sir, I think they were.

BY THE COMMISSIONER:
Q Do you know anything about the father of Alice Lynch? A No sir, I don't.
Q Do you know anything about the father of Nancy Thompson? A No sir.
Q Or Edmond Blythe? A No sir.
Q When you first knew Abbie, did she have a husband then? A No sir, she didn't.
Q You don't know who the fat her of any of her children are, do you? A No sir, not any of the older ones.

W I T N E S S E X C U S E D.

EDMOND BLYTHE RECALLED.

BY MR. WILDSOE:
Q What is this old lady's name that was just on the stand? A Caroline Landrum.
Q How old do you think she is to the best of your knowledge? A I will declare I really couldn't say, but ever since I could remember she looks to me about like she does now, she is an old lady.
Q You have known her then all your life? A Yes sir, ever since I could remember her.

W I T N E S S E X C U S E D.

MARTHA E. HANNAH RECALLED:

BY MR. DAVENPORT:
Q Did you hear at any time while these parties were living in Granby, Missouri, who the reputed father of Alice was, who was the daughter of Frances Lamance? A Thomas Walker.
Q What was the circumstances that brings it to your mind, the fact that of having heard that Thomas Walker was Alice's father, was he a married man? A Yes sir, he was a married man.
Q Was there any talk or anything that makes you remember? A Why certainly.
Q Relate what it was? A Of course when the child was born she said it was Mr. walkers.
Q You mean Frances said so? A Yes sir.
Q Did anything further take place? A Nothing only talk.
Q His name was Tom walker? A Tom walker.
Q Did you ever know a George Walker there? A No sir.

BY MR. WILDSOE:
Q Did you know this woman that you spek of or persons you are speaking of here, did you know her by the name of Abbie Blythe? A No sir.
Q You didn't know Abbie Blythe? A No sir.

W I T N E S S E X C U S E D.

The agent for the applicants and the attorneys for the Cherokee nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision prepared upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H Lessley

Subscribed and sworn to before me this 6th day of October, 1905.

Myron Wile
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Abbie Blythe, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Abbie Blythe et al.,	Cherokee Freedmen D	257
Nancy Thompson,	Cherokee Freedmen D	217
Edmond Blythe	Cherokee Freedmen D	306
Alice Lynch, et al.,	Cherokee Freedmen D	367
Lucy Landrum, et al.,	Cherokee Freedmen D	368
Anna Henry	Cherokee Freedmen D	1074

D E C I S I O N .

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Abbie Blythe for herself and minor children, Minnie and Calis Blythe; by Jordan Thompson for, among others, his wife, Nancy Thompson; by Edmond Blythe for himself; by Alice Lynch for herself and minor children, Lovely Eaton, Early, Calvin and Eddie Lynch; by William Leonard Landrum for, among others, his wife, Lucy Landrum; and by Anna Henry for herself. The others included in the above applications having been differently classified their rights to Cherokee freedman citizenship will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Abbie Blythe, claims the right to Cherokee freedman citizenship by virtue of her compliance with the provisions of Article nine treaty of 1866, and that the other applicants herein claim the same right as her descendants.

The following points are fully established by the proof submitted:

(1) That the applicant, Abbie Blythe, was the slave of a Cherokee citizen at the commencement of the rebellion, and for several years prior thereto resided with her master in the state of Missouri; that during the war she was sold to a citizen of said state, named Lamance, and continuously lived therein till about the year 1875, when she, with her family, removed to the Cherokee Nation, and has since continuously resided therein.

(2) That said applicant, Abbie Blythe, is the mother of the applicants, Anna Henry, Alice Lynch, Edmond Blythe, Nancy Thompson, and Minnie and Calis Blythe, and that the applicant, Alice Lynch, is the mother of the applicants, Lucy Landrum , Lovely Eaton and Early, Calvin and Eddie Lynch, all of whom were born, in the order named, since the close of the rebellion. And that the father of the applicants, Early and Calvin Lynch (both of whom were born subsequent to the year 1890) was one William Lynch, now deceased, who, the records of this office show, is identified on the Cherokee authenticated tribal roll of 1880, and on the final Cherokee Freedman approved roll, opposite No. 1793.

(3) That, except as above noted, neither the applicants herein nor any discovered ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship can be identified on the Cherokee authenticated tribal roll of 1880 or the Cherokee census roll of 1896.

The evidence further shows that the said Anna Henry and Alice Lynch were born in the state of Missouri of white paternity, and, in the absence of proof to the contrary, it will be presumed that their fathers were non-citizens of the Cherokee Nation.

It further appears that ample opportunity has been afforded the applicants Edmond Blythe and Nancy Thompson to establish their paternity, but that in this they have wholly failed, hence, it can not be presumed that they obtain any rights to Cherokee citizenship from that source.

It is further shown that the applicant, Abbie Blythe, testified that the father of her two children, Minnie and Calis Blythe, was one Calvin Hilderbrand, now deceased, but, after ample opportunity having been afforded, it is not established that the said Calvin Hilderbrand, deceased, was a Cherokee citizen. An examination of the Cherokee records in this office fails to disclose that this alleged ancestor was ever recognized by the Cherokee authorities as a citizen of the Cherokee Nation, consequently, it can not be presumed that the two applicants last above named obtain any rights to Cherokee citizenship through their father.

It also appears that on her first appearance before the

Commission in this case, the applicant, Alice Lynch, testified that her oldest child, Lucy Landrum, nee Eaton, was the daughter of one Thomas Eaton, who , the records of this office show, is on the final Cherokee Freedman roll opposite No. 1742, and that her oldest child living at home was named "Lovely Eaton". Enrollment card Freedman D 367, shows that the said Alice Lynch gave the name of Lovely Eaton's father as Thomas Eaton, and the record herein shows that in a birth affidavit executed by her on May 21, 1901, and filed with the Commission on August 31, 1901, she deposed that Tom Eaton was the father of her child, Love (Lovely) Eaton. And that on her last appearance herein she testified that the father of her said child, Lovely Eaton, was one Fred Martin, who, the records of this office show, is on the final Cherokee Freedmen roll opposite No. 4053. And that she further testified that the father of her child, Eddie Lynch, was the said William Lynch, deceased, above referred to.

The only proof herein relative to the paternity of the said Lucy Landrum and Lovely Eaton is the uncorroborated testimony of their mother, and which, as to Lovely Eaton, is contradicted by the information she gave the card clerk, and also by the birth affidavit executed and filed by her. The testimony of this applicant further shows that her two children last above named, are the fruits of an occasional illicit association with their fathers, whoever they may be.

As to the paternity of the applicant, Eddie Lynch: The record (birth affidavit) shows that he was born December 18, 1900. Also that on May 7, 1901, and February 21, 1903, the said William Lynch, since deceased, appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and testified that he was the former husband of the said Alice Lynch, and that about 1897 or 1898 he was divorced from her; that four children were born to them, two of whom, at their separation, remained with their mother and two, Maria and Willie, went with him and for whom he made application for enrollment; and that since his divorce from Alice he married one Mary Teener by whom he had one child, who, a comparison of the record shows, is between one and two months younger than the said Eddie Lynch.

In view of the foregoing it is considered that the evidence in this case fails to satisfactorily establish the paternity of Lucy Landrum, Lovely Eaton and Eddie Lynch, hence the applications for their enrollment as descendants of their fathers come within the ruling of the Department in the cases of Eliza Bryant, et al.(I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Moses Ross (I.T.D. 6056-04), Jane Looney et al.(I.T.D. 6410, 12688-04), Florence Bratcher (I.T.D. 12692-04), and Frankie Grimmett (I.T.D. 17902-1905).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress ap-

proved June 28, 1898 (30 Stat., 495), Abbie Blythe, Minnie Blythe, Calie Blythe, Nancy Thompson, Edmond Blythe, Alice Lynch, Lovely Eaton, Eddie Lynch, Lucy Landrum and Anna Henry, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied; and that, in accordance with the provisions of Section Twenty-one of the Act above noted, Early Lynch and Calvin Lynch, are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this JUN 28 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Abbie Blythe, et al., as Cherokee freedmen, consolidated for the application of,

Abbie Blythe, et al.....Cherokee Freedmen D 207,
[illegible].....Cherokee Freedmen D 217,
[illegible].....Cherokee Freedmen D 206,
[illegible].....Cherokee Freedmen D 367,
[illegible].....Cherokee Freedmen D [illegible],
[illegible].....Cherokee Freedmen D [illegible]

Statement of the case and facts.

[illegible] applications, [illegible] a li-
[illegible] to the Five Civilized Tribes on July 11,
1901, [illegible] the application, [illegible] be enrolled as
a freedman [illegible] the
[illegible] herein [illegible] claimed to be slave of [illegible], a citizen of
the [illegible], [illegible] rebellion, and
interested [illegible] Dicks; on
[illegible], [illegible] on behalf of the applicant,
on December [illegible], 1901, in Vinita, Indian Territory, [illegible] intro-
duced [illegible] applicant [illegible]
by [illegible] cross-examination [illegible]. On the witness,
Abbie [illegible], testified [illegible], and [illegible]
[illegible] cross-examination [illegible] produced
[illegible] testimony [illegible]. On [illegible], 1905, the applicant has represented
[illegible]
[illegible]
[illegible] Five Civilized [illegible] of [illegible],
1906, [illegible] attention [illegible] to

that during the month of May, 1901, the Commission to the Five Civilized Tribes sat at Vinita, not far from the present postoffice of the applicant, they giving their postoffice as Spavinaw, which is a few miles south of the Town of Vinita, where the applicants appeared with their witnesses and were at liberty to appear at any date thereafter, as she did appear on the 15th day of May, with Mr Albert, and introduce any and all witnesses she might desire in her behalf. Attention is also invited to the fact that the commission was again sitting at Vinita, in October of that year, when testimony was introduced on behalf of the Cherokee Nation, and when the applicant was at liberty to introduce such testimony as she might desire in her own behalf. Since 1901 the Commission to the Five Civilized Tribes has had headquarters at Muskogee, Indian Territory, where the principal applicant could at any time have introduced testimony if she so desired in her own behalf and attention is invited to the fact that as late as September 26, 1905, or more than four years after the original application was made, testimony was taken in this case, so that for more than four years the case was open for the taking of testimony, and attention is invited to the last part of the record of the testimony taken on September 26, 1905, wherein the applicants were represented by I. N. Vledder as their agent, and the Cherokee Nation by its attorneys, when the following record was made:

"The agent for the applicants and the attorneys for the Cherokee Nation announce that they have no further testimony to introduce in this case. The cases will be closed and a decision prepared upon the evidence heretofore introduced."

The principal applicant, Annie Ellis, has filed affidavits that she is old and feeble, that at all [illegible] occasions she herself took the stand [illegible] occasions [illegible] was introduced [illegible] by counsel [illegible] certainly [illegible] and [illegible] counsel, [illegible] in the procurement of testimony.

The Department has held in the case of Ann Johnson, on March 24, 1906

(I.T.D. 2758-1905, 6206-1903), as follows:

"There is no specific allegation of error in the decision of the Commission and the decision of the Department is not questioned. It is true that accompanying the motion are affidavits which allege that the principal applicant, Ann Johnson, through whom the others claim, was brought to the Cherokee Nation from Kansas in 1866, but there is no affidavit by the principal applicant explaining the failure to produce the parties to these affidavits at the original hearing, or showing that with due diligence the evidence could not have been discovered prior to the hearing, neither is an affidavit produced to show that the motion is not made for the purpose of delay."

Of course an affidavit is attached signed by Abbie Blythe, saying that she is in feeble health, but the record in this case shows that she attended the sessions of the commission and testified on two occasions and the record further shows that the commission sat at Muskogee, a point convenient to the applicant both in the spring of 1901 and in the fall of 1901, and the record further shows that the applicant was represented by her agent and the record further shows that the case was held open for more than four years for the introduction of testimony and that testimony was introduced from time to time upon either side and finally the record shows that it was by agreement that the case was closed and submitted to the Commission for a decision. The applicant was represented by agent admitted to practice before the Department. Again, it is alleged by Simon Lynch that the principal applicant came back to his place. Now Simon Lynch gives his postoffice as Chuffee; she gives her postoffice as Spavinaw. An examination of the postal map will show that these two postoffices are in the same neighborhood, and that the principal applicant and Simon Lynch live side by side, perhaps not more than three or four miles apart. If the principal applicant really came back to Simon Lynch's house why did she not introduce Simon Lynch at Vinita, instead of introducing Cap Wise and Jim Alberty. Jim Alberty gave his postoffice as Vinita, which is some [illegible] miles distant from the place of residence of Simon Lynch. Again, as it is shown in the records of this office, [illegible] which was convicted of larceny and admitted which was [illegible] testimony is of no value. Another of the witnesses in chief was his postoffice is also Chuffee, and he says he lives at Vinita, where the Commission was. With any kind of diligence, if these witnesses were honest and knew the facts they now claim to know, they could have been gotten before the commission

within the five years given them after her original application was made and before a decision was rendered in this case. In the case of Moore versus Murray, Creek No. 49, the Department held:

"In motions for rehearing resting on newly discovered evidence, it should be shown that said evidence could not be discovered by due diligence, and the facts showing such diligence should appear." Citing 6 L. D. 9; 7 L. D. 156; 10 L. D. 4[illegible]; 1[illegible] L. D. 51; 19 L. D. 343.

Now, we would like to ask wherein the applicant has shown any diligence whatever in attempting to procure the testimony of the witnesses whose affidavits are attached? This decision of the Department is in line with all of the decisions of the Supreme Court of Arkansas, and we particularly invite the attention of the Department to the case of Harris versus Wise, 2 Ark. 57, wherein the questions of the requisites of a new trial are exhaustively considered, and in the first notes of said decision are collected a great number of cases, which establish the Department in the case of Ann Johnson, and also the case of Moore versus Murray. The Court in the case of Harris versus Wise held:

"The only remaining point to be determined is did the circuit court err in refusing a new trial on the grounds of newly discovered evidence on the trial. The doctrine upon this subject is well settled both upon reason and authority and we will now fully state it. In order to entitle a party to a new trial on the ground of newly discovered evidence since the former trial the affidavit in the case must prove:

1. The names of the witnesses whose testimony has been discovered and the facts expected to be established by them.

2. That the facts and circumstances as proved must show that the applicant has used due diligence in preparing his case for trial.

3. That the facts and circumstances newly discovered have come to his knowledge since the determination of the trial and must be such as if adduced on the trial were competent to prove the issue and would probably have changed the verdict.

4. That the evidence discovered is not cumulative of that previously relied on and which will tend to prove material facts which were not put directly in issue on the former trial."

As above observed this applicant appeared a number of times before the commission to the Five Civilized Tribes in person and at other times by counsel and from time to time testimony was introduced in this case. And in addition to hearing of these witnesses, who either in person or both in person and by husband, offered to present testimony to introduce in this case. A number of the witnesses now appear to be interested or near neighbors and certainly could have been gotten before. No facts and circumstances are alleged which tend to show any diligence in the search of these new newly discovered witnesses in

pre[illegible] case for trial. Again, attention is invited to the agreement [illegible] the 22th day of September, 1905, submitting this case to [illegible] Civilized Tribes for decision, yet in the fa[illegible] and [illegible] years thereafter, and not until an adverse [illegible] rendered, the applicants change attorneys and file th[illegible] new trial. The case of Morris versus Wise, and in fact all [illegible] of the State of Arkansas expressly [illegible] the case will not be opened merely upon cumulative testimony. [illegible] the question of ownership of the principal applicant, [illegible] of the principal applicant, and the questions [illegible] principal applicant were gone into, and the [illegible] intended to be introduced would only be cumulative of [illegible]

[illegible] 712, the commissioner to the Five Civilized [illegible]

[illegible] new trial or rehearing will not be granted [illegible] evidence has been discovered. [illegible] sufficient must possess the following requisites:

[illegible] probably change the result if a new trial is granted.

[illegible] discovered since the trial.

(c) It must be such as could not have been discovered before the [illegible] of due diligence.

(d) It must be material to the issues.

(e) It must not be merely cumulative to the former evidence.

(f) It must not be merely impeaching or contradicting the former evidence.

[illegible] decision we desire to cite 2 Ark. 45; 2 Ark. [illegible] of Blasted versus Hill, wherein the court held:

"[illegible] to granting new trials upon the grounds of newly discovered evidence is fully explained and established in the case of [illegible] 2 Ark. 134. Indeed the authorities are so numerous [illegible] upon the point and [illegible] so plain and obvious and conclusive that it seems almost impossible [illegible] to [illegible] trial. [illegible] neglect or [illegible] evidence upon the former trial by diligence [illegible] the [illegible] material and important by the sufficiency [illegible] Court [illegible] a different answer; and it must not be cumulative in its character and [illegible] to cost [illegible] it would be endless if every additional circumstance bearing upon the facts in litigation were the cause for a new trial."

We desire to invite especial attention to the last clause of the above

quotation. [illegible] have thousands of applicants for citizenship. We have hundreds of cases pending for determination. The Commission of the Five Civilized Tribes, under the direction of the Department, adopted a policy after giving notice to all persons of going from point to point around over the Cherokee Nation convening at all places to get testimony and introduce it. The record shows that the Commission of the Five Civilized Tribes sat in Muskogee [illegible] fall of 1901, and the records show that the applicant could have introduced testimony more than four years after the original application, and as said to the [illegible] decision [illegible] an adverse decision a [illegible] asserting that they had to be some additional evidence that [illegible] would be conclusive, [illegible] would testify that upon points [illegible] inquiry [illegible]. We [illegible] no decision should be final if there were [illegible], because if there was an adverse decision [illegible] the Department [illegible] case. After [illegible] finally [illegible] on September 28, 1906, the decision [illegible] rendered until the 28th of June, 1916, and during these ten years the application was made for the introduction of any [illegible] in this case. [illegible] motion is not made in good faith, [illegible] contends on the ground that no diligence [illegible] has been shown, [illegible] the record shows that the proceedings [illegible] in the [illegible]. In addition [illegible] have cited numerous decisions [illegible], 5 Ark. [illegible], 17 Ark. [illegible], 13 Ark. [illegible]; 1 Ark. [illegible], [illegible] as follows:

"[illegible] the details of the evidence [illegible] newly discovered, or its relevancy, we may in general terms say that such applications are to be received with caution and this in [illegible] the importance of the cause involved."

[illegible] rendered five [illegible] application, [illegible] opportunities given for the taking of testimony [illegible] motion for rehearing should be [illegible] caution." We desire to further cite 17 Ark. 403, wherein the Court held:

"Newly discovered evidence in order to afford the proper grounds for a new trial must possess the following qualifications:

1. It must have been discovered since the trial.
2. It must be such as reasonable diligence on the part of the defendant could not have secured at the former trial.
3. It must be material in its object, not merely cumulative or corroborative or collateral.
4. It must be [illegible] on a new trial an opposite result on the merits.
5. [illegible] not rest merely on technical defense

Attention is [illegible] following decisions:

55 Ark. 69; [illegible] 72; 55 Ark. 180, wherein the Court held:

"The diligence or want constitute it is to be determined by the Court and not by the party urging it, and the facts and circumstances must be [illegible] the Court [illegible] whether it has been used or not."

[illegible] that any diligence was used in this case, [illegible] represented by counsel who advised them as to testimony [illegible] behalf, who appeared and examined and cross-examined [illegible] who consented to a closing of the case. [illegible] diligence [illegible] shown [illegible] by counsel of these applicants. [illegible] 55 Ark. 180, [illegible] Court reiterated its decision [illegible] motions for rehearing [illegible] of newly discovered evidence. Attention is also invited to [illegible] 55 Ark. 312; 60 Ark. 401; 54 [illegible] the decision of the [illegible] of Pierce versus Carney, [illegible] 710.

[illegible] there is no merit in this case. The [illegible] civil and criminal evidence [illegible] inv[illegible] Ark. [illegible] Missouri before the War, but finally admitted that she came

back with a white family and gave their name as Dawson in order to throw the representatives of the Cherokee Nation off from ascertaining the name of the family with whom she really did return, because it will be shown that later on one of the Dawson's was introduced and it was shown that that was the only family of Dawsons in that vicinity who came to the Territory and she swore positively that the principal applicant did not come with them. Again, we submit that this testimony of the principal applicant cannot be examined and herself located with any degree of satisfaction. She claims to have come to Grand River and camped, whereas Simon Lynch now attempts having her making a place there. Again, she gives very indifferent information as to where her children were born and in fact it can be seen all through her testimony that her desire is to avoid, instead of to give information. Now in order to explain this case, the attention of the Department is invited to the fact that Vinita is a crossing of the railroads and for years was the principal town and the postoffices of Spavinaw and Chaffee, where these applicants and their newly discovered witnesses live, are simply small inland postoffices recently established, and that since the early 70's Vinita has been established and has been the principal trading point for all of the people in the vicinity of Chaffee and Spavinaw; in fact in early times Vinita was the principal trading point for thirty miles around. Isn't it a peculiar circumstance that Jemima Blythe, the former mistress of the principal applicant, gave her age as 68 and postoffice as Vinita, where she had lived since the war, yet this principal applicant claims to have lived around on Grand River, some 10 or 15 miles from Vinita, and her old mistress had never seen her since the war until 1879. We say that this alone shows that these affidavits filed in this case attempting to state that the principal applicant was a bona fide resident of the Cherokee Nation since 1866 is an outrage against decency, and we do not believe will be tolerated by the Department for one moment. Again, Cap Hicks was called and sworn on behalf of the applicant when she made her original application on May 11, 1901, before any statement was manufactured for him by an ex parte affidavit, and by the way this Cap Hicks is also known as Filmore Hicks, being the same man whose affidavits are now sought and

attached to a number of motions to reopen filed by the attorneys for these applicants; therefore, they vouch for his integrity. Now this same Filmore Hicks lives right down in the vicinity of Spavinaw, right in the end of Saline District, which is a small county in the Lynch settlement, and he testifies in answer to this question:

"Q. You have known this woman for 25 or '6 years? A. Yes sir, to the best of my recollection.
"Q. How far did she live from you down in that settlement when you first knew her? A About four miles.
"Q. That is when she first came there to your recollection? A That is the first I ever seen her and knew of her."

Above he was asked:

"Q. Do you know where she was in 1866? A No sir.
"Q. When did you know her? A I have known her about 25 or '6 years."

Now here is her own witness who is brought upon the stand, who testified that he lived in that community and that he had known her 25 or '6 years and this was in 1901, which would made her come into that settlement, which is the Lynch settlement, near the Simon Lynch place, in 1875 or '6. Her next witness, Jim Alberty, who has been rejected himself, his original number being F. D. 280, attempts to testify that this principal applicant was on Grand River in 1866, just where Cap Hicks lives, yet he denies it. Now her old master, James Blythe, testifies that she came to his place at Enterprise, Missouri, in 1866, that he left there in 1868, and went to Tahlequah and remained at Tahlequah until 1871, when he went to Vinita, and that after that time this principal applicant came to his place and in a conversation which was very natural between the master and old slave, she said she had just come in and that she had come from Granby. Now it will be noted that this is the first time that Granby is mentioned in the testimony which was in October of 1901. Examine the affidavits filed with the motion for a new trial and it will show that a number are from Granby, who knew this applicant; she corroborates James Blythe to the extent of her coming from that place, and being his old slave and knowing the date that he went to Vinita, being in 1871, and knowing that it was after that time, his judgment of course as to the date is much better than that of people not interested. Finally we desire to call the attention of the Department to the testimony of Martha Hannah given before the commission at Muskogee September 25, 1905. She gave her

postoffice as Granby, said that she came there in 1866. She testified to knowing Abbie Blythe and she testified that she lived in 150 or 200 ymards of her. Now this woman could not be mistaken as to dates, because she went to Granby in 1866, and could not therefore have been acquainted with the principal applicant prior to that time, and she testifies positively that she lived as a neighbor to this applicant for five or six years and she testified as to the members of her family and she testifies as to the names of her children, which were born when she knew her, and she swears positively that Alice was born there and she says that she knew her there until 1872 or 1873, and that her name was Frances Lemance, and that she went by that name, and that she finally moved away with a white family known as the Bauman family. Now it will be seen that it crops out throughout this testimony that she left there with a white family, and Sheep Jim Alberty swore to this. In the light of this testimony we desire to submit that there is no merit whatever in this case. Your attention is further invited to the fact that in 1905 Alice Lynch took the stand immediately after the above witness left and testified that she was 36 or '7 years of age, which would have made her been born in 1868 or '9. Now Martha F. Hannah said that she was born up there at Granby, Missouri, and she says that Abbie Blythe did not have any husband and Alice Lynch testifies that her father's name was George walker and that she never saw her father and there is no evidence that there is any George Walker ever living near Spavinaw, I. T., where it is alleged that Alice was born, whereas there were Walkers up at Granby, which corroborates Martha F. Hannah's testimony. In other words, the testimony of James Blythe shows that Abbie Blythe did not come to the Cherokee Nation after the war until some time in the 70's. The testimony of Cap Hicks shows that she did not come until in the 70's. The testimony of Martha F. Hannah clearly and unquestionably shows it. The testimony of Alice Lynch herself, when she gives her father's name, corroborates Martha F. Hannah in showing that she was born outside of the Cherokee Nation ~~by~~ of a white father, and finally the exceptionally uncertain, vague, evasive testimony of the principal applicant herself shows it, because she will not locate herself

at any one particular point. The attention of the Department is invited to Section 3 of the Act of April 26, 1906, which emphasizes that the roll of Cherokee freedmen shall only include such freedmen "who were actual, personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven."

We submit that the decision of the Commissioner rejecting the applicants is overwhelmingly sustained by the testimony introduced in this case and that for the reasons hereinabove assigned the motion for a rehearing should be denied, and the decision of the Commissioner to the Five Civilized Tribes affirmed.

Respectfully submitted,

W. W. Hastings
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Abbie Blythe, et al., as Cherokee Freedmen, consolidating the applications ~~fo~~ of--

Abbie Blythe, et al.,	Cherokee Freedmen D 257,
Nancy Thompson,	Cherokee Freedmen D 217,
Edmond Blythe,	Cherokee Freedmen D 306,
Alice Lynch, et al.,	Cherokee Freedmen D 367,
Lucy Landrum, et al.,	Cherokee Freedmen D 368,
Anna Henry,	Cherokee Freedmen D 1074.

A M E N D E D M O T I O N F O R R E H E A R I N G.

Comes now the applicants and moves that the Honorable Secretary of the Interior remand this case to the Honorable Commissioner to the Five Civilized Tribes in order that they have an opportunity to introduce the testimony of the witnesses whose affidavits are hereto attached and such other witnesses as they will produce at the trial of this cause if a rehearing is granted.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Abbie Blythe for herself and minor children, Minnie and Calis Blythe; by Jordon Thompson for, among others, his wife, Nancy Thompson; by Edmond Blythe for himself; by Alice Lynch for herself and minor children, Lovely Eaton, Early Calvin, and Eddie Lynch; by William Leonard Landrum for, among others, his wife, Lucy Landrum; and by Anna Henry for herself. The others included in these applications having been classified differently, their rights to Cherokee Freedmen citizenship was not considered in the Decision rendered in this case.

The evidence already of record shows:- "That the applicant, Abbie Blythe, claims the right to Cherokee freedmen citizenship by virtue of her compliance with the provisions of Article nine Treaty of 1866, and that the other applicants herein claim the same right as her descendants.

The Commissioner to the Five Civilized Tribes in his Deci-

sion found "That the applicant, Abbie Blythe, was the slave of a Cherokee citizen at the commencement of the rebellion". The Honorable Commissioner also found "That during the war she was sold to a citizen of said State (Missouri), named Lamance"; and also found in his decision that the applicant did not return to the Cherokee Nation after the war until about 1875. It is shown by the affidavits hereto attached that the applicant, if a rehearing is granted, will prove that she returned to the Cherokee Nation after the close of the Civil War and spent the winter of 1866 and the Spring of 1867 at the Home of Simon Lynch on Grand River in the Cherokee Nation, Indian Territory; that sometime in 1867 she improved her a farm and built her a Home in the Cherokee Nation; that she afterward improved her another farm and built her a Home which she continued to own at all times thereafter; and that at no time since the Spring of 1867 has she been without a Home and improvements upon the Public Domain of the Cherokee Nation. It will be shown that she went to Missouri to get work during certain times but that she never made her Home in the State of Missouri and that when ~~there~~ she was there that her Home was in the Cherokee Nation and when she was through with her work she always returned to her Home in the Cherokee Nation; and that with this continued ownership of property applicants expect to prove that Abbie Blythe never at any time abjured her Cherokee Freedmen citizenship in the Cherokee Nation; that the affidavit of Thomas Eaton, a duly enrolled Cherokee Freedmen, shows that he is the father of applicant, Lucy Landrum, and she therefore is entitled to enrollment as the Daughter of said Thomas Eaton.

WHEREFORE, the applicants earnestly pray that the Honorable Secretary of the Interior remand this case to the Honorable Commissioner to the Five Civilized Tribes and that the Decision of the Honorable Commissioner to the Five Civilized Tribes dated June 28, 1906 be rescinded and a rehearing be granted the applicants herein.

Gently, Simms & Smith
Starr & Patten

ATTORNEYS FOR APPLICANTS.

State of Missouri)
(ss.
County of Newton)

W. L. Murray, of lawful age being duly sworn deposes and saith, that his Post Office address is Pierce City, Mo., and that his age is 57 years, and that he cametto Granby Mo., in November of 1867, and lived continuously there till 1889; that along about 1870 I knew a colored girl by the name of Francis Lamanse, she at that time did washing for my brother-in-law, W. W. Barber, with whom I made my home. She was a transient woman and I know that she never had a permanent residence in Granby, Mo. I know this to be a fact because I was well acquainted with every man, woman and child in Granby and surrounding country at the time. She stayed here several months and dis-appeared and I have not seen or heard tell of her since.

W. L. MURRAY
Affiant.

Subscribed and sworn to before me this 23rd day of July, A. D. 1906.

W. W. HUDSON
Notary Public in and for
Newton County, Missouri.

(SEAL)

"My term expires"
July 7-1909.

State of Missouri,)
(ss.
County of Newton)

P. N. THOMAS, of lawful age being sworn on oath deposes and says that his age is 72 years and Post Office address is Granby, Newton County, Mo., and that at the close of the Civil War I lived in Pineville, Mo., and boarded at a hotel there run by James Lamanse, there was a colored girl working for him at that time by the name of Francis. That year I moved to Granby Mo., and soon after moving here I met this same colored girl Francis, said to be part Indian, and I think it was about the next year that a man by the name of Bausman took this girl to the Indian Territory, (I was personally acquainted with Mr. Bausman and also with this girl Francis). A few years later she came back to Granby, and worked around here for different people, she made several trips here but only for a few ~~months~~ weeks each time. I have lived here all the time since 1865, but I have never seen this girl back here since about 1870 or 1871 or thereabouts.

P. N. THOMAS

Affiant.

Subscribed and sworn to before me this 23rd day of July, A. D., 1906.

W. W. HUDSON

Notary Public in and for
Newton County, Missouri.

(SEAL)

"My term expires"
July 7-1909.

State of Missouri,-)
)ss.
County of Newton)

Lucy Walker of lawful age being duly sworn according to law on oath deposes and says that: I am 53 years old and my Post Office address is Granby, Mo., and that I was personally acquainted with Francis Lamanse (Abbie Blythe), I got acquainted with her in 1866, soon after I got acquainted with her she left here with a man by the name of Bausman and said they were going to the Indian Territory. I did not see her again for about four or five years when she came to my house and wanted me to keep her baby while she worked at the Palace Hotel at Granby, Mo. I kept the baby a while for her. She told me she lived in the Indian Territory, and that she had a small place there, a little Home, said she had just come up here to make a little money, that money was scarce down there. She worked here a few weeks and then took her child and went back home. A few months later she returned to Granby alone, she said she had left her children at home in the Indian Territory and that she had some one taking care of them for her, she worked for a whilein the town doing house work, hotel work and washing, she never stayed here more than two or three months at the time, and to the best of my knowledge made about three trips here and went back to the Indian Territory, and I have never seen her since her last trip here which was about in 1870 or so. I do not think she stayed in Granby more that six or eight months all together.

LUCY WALKER

Affiant.

Subscribed and sworn to before me this 23rd day of July, A.D.,1906.

W. W. HUDSON

Notary Public in and for
Newton County, Missouri.

(SEAL)

"My term expires"
July 7-1909.

State of Missouri)
(ss.
County of Newton)

Lydia Young of lawful age being duly sworn according to law on her oath deposes and says that her Post Office address is Granby, Mo. and that she does not know her age but was personally acquainted with Francis Lamanse (Abbie Blythe). I first met her at the close of the war at Cassville, Mo.,we came from there together to Newtonia, Mo., and from Newtonia to Granby, Mo., about the next year a white man took her from here to the Nation. A Few years later she came back and worked here at washing and house work for different people for a short time and then returned to the Natiion. She came here two or three times and only stayed a little while each time and then returned to the Nation which she always called her home, and I have never seen her since.

her
LYDIA x YOUNG
mark

Witness to mark
J. R. Campbell
Fannie Ypung

Subscribed and sworn to before me this 23rd day of July, A. D. 1906.

W. W. HUDSON

Notary Public in and for
Newton County, Missouri.

(SEAL)

"My term expires"
July 7-1909.

Witnesses to mark:

T. J. FARRAR

VINITA, I. T.

G. S. WHITE

VINITA, I. T.

Subscribed and sworn to before me this 18th day of July, A. D., 1906.

THOMAS J. FARRAR

U. S. COMMISSIONER/

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

Witnesses to mark:

T. J. FARRAR

VINITA, I. T.

G. S. WHITE

VINITA, I. T.

Subscribed and sworn to before me this 18th day of July, A. D., 1906.

THOMAS J. FARRAR

U. S. COMMISSIONER/

United States of America,

Indian Territory

Northern District SS

On this 16th day of July 1906, personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Arthur Bean, of lawful age who being by me duly sworn according to law upon his oath deposes and says:

"My Name is Arthur Bean, my age is sixty-three years and my post office is Cheffee, Indian Territory.

"I am acquainted with the applicant Abbie Blythe-- I became acquainted with her soon after the close of the Civil war . In the fall of 1866 she came in on Grand river in the Cherokee Nation Indian Territory and lived there for some time. She was in a settlement further up the river from where I lived. After 1866 I heard of her in that settlement along for some time. In 1867 she would come down to Lynchs prairie to church and I remember seeing her several times in 1867 down there at church and she was then living further up the river from where I lived. I heard of her owning a farm of her own up there. In 1868 she moved down into the same neighborhood that I lived in. She improved a little place of her own and lived on it. She afterwards gave up that place and went across on the east side of the river and made her a home and farm there which she has owned ever since. I never knew of her leaving the Cherokee Nation and I know that if she did go out of the Nation after I know that she made her a home and farm east of Grand that she owned that home and farm all the time so that if she ever left the Nation she had her home and property in the Nation.

his
Arthur x Bean
mark

Witnesses:

Jessie Patten
W. E. Ross

Subscribed and sworn to before me this 16th day of July 1906.

W. R. Ross,

Notary Public.

United States of America,

Indian Territory

Northern District SS

On this 25th day of July 1906, personally appeared before me the undersigned Notary public within and for the Northern District of the Indian Territory Joe Davis of lawful age who being by me duly sworn according to law upon his oath deposes and says:

"My name is Joe Davis, my age is Fifty-One years and my post office is Vinita Indian Territory. In the summer of 1866 I was living on Spring Creek in the Cherokee Nation. I remained in the Cherokee Nation during the Civil War. In the latter part of the year of 1866, in about the latter part of December 1866, about Christmas Times I went up on Grand river to visit Simon Lynch and when I got up there I remember of xx seeing the principal applicant Abbie Blythe there at Simon Lynch's house. She was living in the same house with Simon Lynch and his family. I was there again in the Spring of 1867 and Abbie Blythe was still making her home at Simon Lynch's place. Later in the Spring of 1867 or in the summer of 1867 some time she built her a house of her own and improved her a small farm and moved to herself further up the river. I know that Abbie Blythe has lived in the Cherokee nation continuously since I saw her in the fall of 1866 and she has owned her home and farm in the Cherokee Nation at all times since the fall of 1866. The applicant Abbie Blythe went out into the State to work a great deal and xx when she was through with her work she always came right back to her home. A great many of the Freedmen between 1867 and 1870 had to go to the state to get work to do in order to support themselves and Abbie Blythe went to the State among the others to work but she never went to Missouri to make it her home and her stay there was always temporary.

Joe Davis

Subscribed and sworn to before me this 25th day of July 1906.

John R. Campbell,
Notary Public.

My Com. Expires
May 21, 1908.

United States of America,
Indian Territory,
Northern District SS.

On this 25th day of July, 1906 personally appeared before me the Undersigned, a Notary Public duly commissioned and acting, within and for the Northern District of the Indian Territory, Blue Thompson, to me pessonally well known, who being by me duly sworn according to law on his oath deposes and says:

"My Name is Blue Thompson, my age is Fifty-Five Years and my post office is Chetopa, Kansas. I am acquainted with the applicant Abbie Blythe. In the Spring of 1867 I came into the Grand River locality where Simon Lynch lived and at that time I found the applicant Abbie Blythe making her home at Simon Lynch's house. The next time I was in that vicinity was about the year of 1871 I was in that section of the country and Abbie Blythe was then living on a place of her own in the botton further up the river near the Dirtester place. This was in the Cherokee Nation".

Blue Thompson

Subscribed and sworn to before me this 25th day of July 1906.

John R. Campbell,
Notary Public.

My Commission
Expires, May 21st 1908.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

In the matter of the application for the enrollment of Abbie Blythe et al as Cherokee Freedmen.

United States of America,
Indian Territory
Northern District SS

On this 26th day of July 1906, personally appeared before me the Undersigned Notary Public within and for the Northern District of the Indian Territory, Abbie Blythe, the Principal applicant who being duly sworn on her oath deposes and says:

"My Name is Abbie Blythe, my age is Sixty-Five years and my post office is Spavinaw I. T. The motion made in this case is not made for the purposes of delay, but in good faith, in order that justice might be done to me and my descendants. I have been in feeble health and have been unable to get out and hunt up my witnesses and I have had to depend upon others to look after them for me and they did all they could but were unable to procure the testimony of the witnesses whose affidavits are attached to this motion; I did all in my power to discover this testimony for the former trial but was unable to do so after using all of the diligence I could. I have also discovered more testimony but have not been able to procure the affidavits of my witnesses in time to accompany this motion but if said motion for rehearing is granted I will have at the hearing the persons whose affidavits are attached and also a number of other witnesses by whom the same statement will be proven. I earnestly pray that my motion for rehearing be granted.

her
ABBIE x BLYTHE
mark

Witnesses to mark:

JESSIE PATTEN

Subscribed and sworn to before me this 26th day of July 1906.

JOHN R. CAMPBELL
Notary Public.

My Commission Expires
May 21, 1908.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (SS.
NORTHERN DISTRICT)

On this 26th day of july, A. D., 1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Northern District of the Indian Territory, DICK PICKUP, of lawful age, who being first duly sworn, on his oath deposes and says:-

My name is Dick Pickup; my age is 65 years and my Post Office is Spavinaw, Indian Territory. I am a full blood Cherokee Indian and do not speak the English Language. At the close of the Civil War I was living in the timber near the Dirteater Prairie in the Cherokee Nation, Indian Territory not far from Grand River. I was living there at the close of the Civil War and during the next year, that is the year of 1866, I was living near the same place and about one mile from where Simon Lynch located in the fall of 1866. In the fall of 1866 Abbie Blythe came to Simon Lynch's place and made her Home with Simon Lynch and his family; she stayed there during the winter of 1866 and the spring of 1867. In the summer of 1867 she left Simon Lynch's place and went to work and made her a place of her own. She built her a house and put a small piece of land in cultivation enough to raise her a garden and a small crop of corn. This was in the fall of 1867 or early in 1868. She moved into this house and lived there for two years or more. Then she sold this house and small farm to a full-blood Indian by the name of Chu-na. She then made and improved the place she now owns, which is across the river from the place she sold to Chu-na. She built her a house and put a small piece of land in cultivation and has owned this Home and farm from that time until this. Sometime after she made this Home she would make trips to the State to get work to do in order to support her family and when she was out in the State at work she always left a part of her children with Simon Lynch and Simon and his folks took care of her children during all the times she was away at work. She usually worked for several months or for short intervals and when out of work would always come back to her Home. She has always kept up her home and farm in the Cherokee Nation, Indian Territory and always left her children with Simon Lynch and his family when she was away.

Her trips to the State was purely for the purpose of getting work to do in order to support her family and she never at any time gave up her Home, her farm or improvements in the Cherokee Nation and has always at all times since 1867 owned a Home and a little farm in the Cherokee Nation, Indian Territory.

I am a full-blood Cherokee Indian; I have no interest whatever in this case and make this affidavit freely of my own accord.

signed- Dick Pickup

Witnesses to signature:

J. R. Campbell
Vinita, I. T.

Jessie Patten
Vinita, I. T.

Subscribed and sworn to before me this 26th day of July, A. D., 1906, the affiant writing his own name in the Cherokee Indian or Sequoyah characters, which is the method employed by the full-bloods Cherokees in signing their names. I certify that the above is the genuine signature of the affiant, and I further certify that this affidavit was properly interpreted to the witness before he signed it.

JOHN R. CAMPBELL

NOTARY PUBLIC.

My commission expires May 21st 1908.

U. S. States of America

Northern Dict

Ind Ter

J. C. Wimer first being duly sworn on oath says- I am well acqtainted with Abie, Blythe, Have known her for 20 years-- Her mind seems to be affected, she can not inteligently state anything. She is not responsible for anything she says, she seems t be unable to give dates of events, tell anything about places where she has been or teal facts inteligently regarding anything.

J. C. WIMER

Subscrib & S me this
7th Jan. 1907

John R. Campbell
Notary Public

My Com Exps May 21st 1908.

United States of America

Indian Territory

Northern District SS

Thomas Eaton of lawful age being duly sworn on his oath deposes and says

"My name is Thomas Eaton, my post office is Chaffe Indian Territory my age is forty-five years. I have lived in the same neighborhood where Abbie Blythe lived on Grand river for the past thirty years. I know that she has a very weak mind and is not responsible for what she says and can not make statements of events of the past with any degree of certainty and she can not rely on her memory for anything.

Witness to mark

JOHN R. CAMPBELL

THOMAS his x mark EATON

Subscribed and sworn to before me this 7th day of January 1907

(SEAL)

JOHN R. CAMPBELL
Notary Public.

United States of America,

Indian Territory

Northern District SS

Jim Downing (Whose Indian name is Chuncie) being duly sworn on his oath says:

My name is Jim Downing I have lived all of my life on Grand river near where Simon Lynch lives. I am a Cherokee Indian and am well acquainted with the applicant Abbie Blythe. I first saw herin the winter of 1866 she was then living with Simon Lynch and his family at that time. The next year in 1867 she improved her a small farm up the river about one mile from Simon Lynch's place. She lived on this place a short time and then sold it to Joe Dirtthrower and Joe Dirtthrower a little lateron sold the place to me and I owned the little place up to the year of 1905 I have known Abbie Blythe ever since she lived with Simon Lynch's family in 1866 . She has always had a home and improvements in the Cherokee Nation since that time. I remember that after the war she made trips awy and would be gone for a few weeks and then come back home. She would some times leave her children with Simon Lynch's family when she was on these trips.

Witness to Mark:

JOHN R. CAMPBELL

his
JIM x DOWNING
mark

Subscribed and sworn to before me this 7th day of January 1907

(SEAL)

JOHN R. CAMPBELL
Notary Public.

United States of America,

Indian Territory

Northern District SS

Lewis Lynch of lawful age being duly sworn on his oath says "My name is Lewis Lynch my age is 53 years and my post office is Chaffee, Indian Territory. I am acquainted with Abbie Blythe. I remember when she came to my fathers house after the close of the Civil war in the year of 1866. She lived with us for a yea or so and then built her a small home up the river above where we lived. I am a son of Simon Lynch. Abbie Blythe made trips to the states to work after that and when she would go away she would leave her children with Simon Lynchs family to care for them while she was away at work.. She has owned a home in the Cherokee Nation at all times since 1867.

Witness to mark: ----------LEWIS his * LYNCH----------
JOHN R. CAMPBELL mark

Subscribed and sworn to before me this 7th day of January 1907

JOHN R. CAMPBELL
Notary Public

(SEAL)

United States of America

Indian Territory

Northern District SS

Sherman Landrum of lawful age being duly sworn on his oathde oses and says:

" I am well acquainted with Lucy Landrum nee eaton, we have lived in the same neighborhood on Grand river all of our lives. She is the daughter of Thomas Eaton and always has been recognized by him and the entire community as his daughter. I have known Abbie Blythe all of my life and she has always made her home in the Cherokee nation as far back as I can remember. Abbie Blythe is a very feeble minded woman and is unable to tell dates or to tell of the happening of events with any degree of certainty.. She can not talk fa ts with any intelligence whatever and is not responsible for what she does say

Witness to mark: ---------- SHERMAN his X mark LANDRUM ----------

JOHN R. CAMPBELL

Subscribed and sworn to before me this 7th day of January 1907

JOHN R. CAMPBELL

Notary Public.

(SEAL)

United States of America,

Indian Territory

Northern District SS

Fred Martin of lawful age being duly sworn on his oath says:

"I was acquainted with Alice Lynch during her lifetime and I know her daughter Lovely Eaton. I lived with Alice Lynch as my wife for two years prior to the time of the birth of Lovely Eaton and for a time after the birth of said child and I know that I am the father of said Child Lovely Eaton. I am a duly and lawfully enrolled Cherokee Freedman and my name is on the approved roll at this time.

FRED MARTIN

Subscribed and sworn to before me this 16th day of January 1907

O. A. SMITH
Notary Public

(SEAL)

Commission Expires Dec. 4, 1909.

United States of America,

Indian Territory

Northern District SS

On this 7th day of January 1907 personally appeared before me the Undersigned Notary Public within and for the Northern District of the Indian Territory duly Commissioned and acting as such Thomas Eaton who being by me duly sworn on his oath says:

"My name is Thomas Eaton, my age is forty-five years and my post office is, Chaffee, Indian Territory. I am acquainted with Lucy Landrum (Nee Eaton) and have known her all of her life. She is my daughter. I lived with her mother five or six years before Lucy was born and I continued to live with her for one or two years after Lucy was born and I know that Lucy is my daughter and I would have enrolled her with the rest of my family had it not been for her mother who feared that if I enrolled her that the mother would not get to draw Lucy's money. I am duly and lawfully enrolled as a Cherokee Freedman and have received my allotment of land in the Cherokee Nation.

Witness to mark:
JOHN R. CAMPBELL

THOMAS his x mark EATON

Subscribed and sworn to before me this 7th day of January 1907

(SEAL)

JOHN R. CAMPBELL
Notary Public.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes.
RECEIVED
JAN 18 1917

UNITED STATES OF AMERICA,)
INDIAN TERRITORY, (SS
NORTHERN DISTRICT)

JESSIE PATTEN, of lawful age, being first duly sworn, on her oath deposes and says that the foregoing affidavits of W. L. MURRAY, P. N. THOMAS, LUCY WALKER, LYDIA YOUNG, SIMON LYNCH, ARTHUR BEAN, JOE DAVIS, BLUE THOMPSON, ABBIE BLYTHE and DICK PICKUP, attached to this Amended Motion for a rehearing in re the application of Abbie Blythe, et al., for enrollment as Cherokee Freedmen, are true and correct copies of the original affidavits made and signed by the above named affiants, respectively, and I so certify.

Jessie Patten

Subscribed and sworn to before me this 16th day of January, A.D., 1907.

NOTARY PUBLIC.

My Commission expires Commission Expires Dec. 4, 1909

JAN 26 1907

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of ARBUCKLE, ET AL., as Cherokee freedmen, consolidating the applications of:

Abbie Bigbee, et al.,.....Cherokee Freedmen D 257,
Nancy Thompson,.....Cherokee Freedman D 217,
[illegible],.....Cherokee Freedmen D [illegible],
Alice Lynch, et al.,.....Cherokee Freedmen D 367,
Lucy Lawrence, et al.,.....Cherokee Freedmen D 368,
Anna Henry,.....Cherokee Freedmen D 1074.

Reply of Cherokee nation.

The record in this case shows that application was made by the applicants before the Commission to the Five Civilized Tribes on May 11, 1901, at Vinita, Indian Territory; that from time to time testimony was introduced pro and con for and against the enrollment of the applicants after notice being given to both parties; that on [illegible], 1906, a decision was rendered denying the application of the applicants by the Commissioner to the Five Civilized Tribes and the case was forwarded to the Department for its action thereon; that immediately thereafter a motion to reopen said case was forwarded to the Department and on December 8, 1906, the decision of the Commissioner to the Five Civilized Tribes dated June [illegible], 1906, rejecting the applicants, was affirmed and the motion to reopen filed in said case was denied by the Secretary of the Interior.

The postoffice given of these applicants is Shawnee, I. T., a few miles [illegible] Vinita, Indian Territory, where the Commission to the Five Civilized Tribes sat a number of times for the convenience of applicants, and although the application was made on May 11, 1901, no decision was rendered in this case until June 29, 1906, or more than five years after the application was made during all of which time testimony could have been introduced and at different times was introduced for and against the applicants. Attached to the Attorney's motion to reopen are practically all of the old affidavits heretofore submitted to the Department and passed upon by the Department when it denied the motion to reopen on December 8, 1906.

We have heretofore had occasion to argue the question of diligence in a great many cases before the Department and the Department on January 7, 1907, in denying the motion to reopen in the Elias Dennis case (L.D. 2[illegible]-1905, 1[illegible]-1905, 19656-1905), as follows:

"The Department has considered the motion for a rehearing in connection [illegible] the evidence [illegible] introduced on the hearing, by diligence, have been secured when the case was [illegible] and the applicant reason is shown for a further hearing in the case and said motion is hereby denied."

As in the Elias Dennis case there is nothing in this motion to show that, by diligence, any of the witnesses now sought to be introduced could not have been secured and introduced if it is true that if the originally heard, it could certainly have been secured and introduced within five years after the application was finally passed and before the decision was finally rendered.

We have, first, that there is no diligence shown, second, that there is no merit in the Attorneys motion to reopen, and, third, that the Department has passed upon practically all of the evidence submitted with the motion to reopen.

Respectfully submitted,

1/25/07.

(Signed) W W Hastings

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Abbie Blythe, et al., for enrollment as Cherokee Freedmen, consolidating the applications of--

Abbie Blythe, et al.,	Cherokee Freedmen D-457,
Nancy Thompson	Cherokee Freedmen D-917,
Edmond Blythe	Cherokee Freedmen D-301,
Alice Lynch, et al.,	Cherokee Freedmen D-4[illegible]7,
Lucy Landrum et al.,	Cherokee Freedmen D-3[illegible]
Anna Henry,	Cherokee Freedmen D-[illegible].

-:-

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Abbie Blythe for herself and minor children, Minnie and Calia Blythe; by Jordan Thompson for, among others, his wife, Nancy Thompson, the others included in said application being differently classified from Nancy Thompson, will not be embraced in this decision; by Edmond Blythe for himself; by Alice Lynch for herself and minor children, Lovely Eaton, Barly, Calvin and Eddie Lynch; by William Leonard Landrum for himself and wife, Lucy Landrum and minor child, Celia V. Landrum, but as the said William Leonard Landrum is classified differently from Lucy and Celia V. Landrum, he will not be embraced in this decision; and by Anna Henry for herself.

The evidence herein shows that the applicant, Abbie Blythe was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken from the Cherokee Nation, but returned thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and has since continuously resided therein.

The evidence further shows that the applicants, Minnie, Calia and Edmond Blythe, Nancy Thompson, Alice Lynch and Anna Henry, are children of the said Abbie Blythe, were born since the close of the war, and have continuously resided in the Cherokee Nation since birth; that the minor applicants, Lovely Eaton, Barly, Calvin and Eddie Lynch and Lucy Landrum, are children of the said Alice Lynch, and that the minor applicant, Celia V. Landrum, is a

child of the said Lucy Landrum and one William Leonard Landrum, who is identified on the Cherokee authenticated tribal roll of 1880, and is included in a partial roll of Cherokee freedmen, (No. 2103), approved by the Secretary of the Interior, January 16, 1903; and that said minor applicants were born since 1880, and have continuously resided in the Cherokee Nation since birth.

It is, therefore , the opinion of this Commission that Abbie, Minnie, Calis and Edmond Blythe, Nancy Thompson, Anna Henry Alice, Early, Calvin and Eddie Lynch, Lovely Eaton, Lucy and Celia V. Landrum, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 2 , 1898, (30 Stat., 49), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

_____
Commissioner

_____
Commissioner

Muskogee, Indian Territory,

this _____

40257

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Abbie Blythe,
Spavinaw, I.T.
Cherokee F-D-287
Register.

INDEXED

COMMISSION TO THE FIVE TRIBES.

No.	Received	Recorded Book	Page
30735 1905	JUN 22 1905		

Cherokee Land Office,
Tahlequah, I.T.,
June 20, 1905.

Returns consolidated Cherokee freedmen case of Abbie Blythe, et al.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Tahlequah, Indian Territory, June 20, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I return herewith consolidated Cherokee Freedman case of Abbie Blythe, et al, D-257.

This case and its associate cases admit all of the applicants as now prepared. All of them have a claim through Abbie Blythe, and only one of the applicants, Celia V. Landrum, has any other claim.

Abbie Blythe is not on the 1880 or 1896 roll. Her testimony is evasive, and all her supporting testimony is negative except a statement by Jim Alberty, who says he saw her in camp in 1866 as he "just passed by there" and then he didn't see her any more. She does not mention the incident, though pressed for evidence of being located as she claimed. Jim Alberty further says "I was just passing by there, that was all".

Upon the other hand, it is clearly shown by her former owner, James C. Blythe, of Vinita, that she first returned from Missouri in 1871.

I think she and all who claim through her should be

denied enrollment, except the child, Celia V. Landrum, who has a good claim through her father, and I so vote.

Respectfully,

C. R. Breckinridge

Commissioner.

MH
Enc. H-8620

(C O P Y)

Cherokee
F.D. 257

Muskogee, Indian Territory, September 12, 1905

Abbie Scott, formerly Abbie Blythe
Spavinaw, Indian Territory

Dear Madam:

You are hereby advised that before a final decision can be rendered in the matter of your application for the enrollment of your children, Minnie and Calis Blythe, as Cherokee freedmen, it will be necessary that further testimony be introduced as to any rights to enrollment they may possess through their deceased father, Calvin Hilderbrand.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 28, 1905, and introduce the testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully

(Signed) Wm. O. BEALL
Acting Commissioner.

GHL

Register

COPY.

Cherokee
F D-257.

Muskogee, Indian Territory, September 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that before a final decision can be rendered in the matter of the application for the enrollment of Minnie and Calis Blythe as Cherokee freedmen, it will be necessary that further testimony be introduced as to any rights to enrollment they may possess through their deceased father, Calvin Milderbrand.

Abbie Scott, formerly Abbie Blythe, the mother of these children, has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 28, 1905, and introduce the testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

Wm. O. Beall
Acting Commissioner.

GHL

COPY.

Cherokee
F D-257 .

Muskogee, Indian Territory, September 12, 1905.

I. P. Bledsoe,

Attorney for Abbie Blythe et al.,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that before a final decision can be rendered in the matter of the application for the enrollment of Minnie and Calis Blythe as Cherokee freedmen, it will be necessary that further testimony be introduced as to any rights to enrollment they may possess through their deceased father, Calvin Hilderbrand.

Abbie Scott, formerly Abbie Blythe, the mother of these children, has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 28, 1905, and introduce the testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

Wm O Beall
Acting Commissioner.

GHL

(COPY)

Chaffee, I.T., Mar. 3-06.

To The Hon. Tames Bixby,

Commissioner of the Five Civilized Tribes.,

Muskogee, I. T.

Dear Sir:--

I wish to employee, Messrs Zeverly & Givens, of Muskogee, I. T., as associate attorneys in the case of my application for enrollment as a Cherokee Freedman, and I request that they be entered as such associate attorneys in my case.

Respectfully

his
Edmond X Blythe
mark
her
Minnie X Blythe
mark.

Witness:--

G. W. Spiller

Lillie Mayfield.

Choteau, I. T., March 10" 1906.

To Hon. Dawes Commission.

I wish to have the names of Messrs. Zevely & Givens as my associate attorneys in the cases of Abby Blythe, Edmond Blythe et al., Cherokee freedmen. Please have them so listed and oblige.

I. P. Bledsoe.

Cherokee Freedmen
D 257

Muskogee, Indian Territory, June 21, 1906

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

In reply to your letter of June 12, you are advised that as requested, you have been entered as associate attorneys in the case of Abbie Blythe.

Respectfully,

I M B.

Commissioner

Cherokee Freedmen
D 257.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Abbie Scott,

Spavinaw, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejectingm among others, your application for the enrollment of yourself and children, Minnie and Celis Blythe, as Cherokee freedmen.

Your agent, I.P.Bledsoe, Chouteau, Indian Territory; and attorneys, Zevely and Givens, Muskogee, Indian Territory; and Starrand Patten, Vinita, Indian territory, have heretofore been furnished copies of the record of proceedings had in your case, and there have this day been forwarded to them copies of the Commissioner's decision.

The decision, together with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advisedof the Secretary's action as soon as this office is informed of the same.

Respectfully,

(SIGNED).

Tams Bixby.

COMMISSIONER.

Encl. M.A.28-8.

Register.

COPY.

Muskogee, Indian Territory, June 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated application of Abbie Blythe et al, including the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, rejecting the applications of Abbie, Minnie and Calis Blythe; Nancy Thomson; Edmond Blythe; Alice and Eddie Lynch; Lovely Eaton; Lucy Landrum and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen.

Respectfully,

Encl. M.A.28-19.

(SIGNED).

Tams Bixby.

Commissioner.

Cherokee Freedmen
D 257 et al.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Zevely and Givens,

Attorneys for Abbie Blythe et al,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the application for the enrollment of Abbie, Minnie and Calis Blythe; Nancy Thompson; Edmond Blythe; Alice Lynch; Lovely Eaton; Eddie Lynch; Lucy Landrum; and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informedof the same.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

Encl. M.A.28-16.

COPY.

Cherokee Freedmen
D 287.

Muskogee, Indian Territory, June 28, 1906.

I. P. Bledsoe,

Agent for Abbie Blythe, et al,

Choutean, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, rejecting the applications for the enrollment of Abbie, Minnie and Calis Blythe; Nancy Thompson; Edmond Blythe; Alice and Eddie Lynch; Lovely Eaton, and Anna Henry as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Res-

Encl. M.A.28-1"

(SIGNED).

Tams Bixby.

COMMISSIONER.

Cherokee Freedmen
D 257 et al.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Bell, Hastings and Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the application for the enrollment of Abbie, Minnie and Calis Blythe; Nancy Thompson; Edmond Blythe; Alice and Eddie Lynch; Lovely Eaton; Lucy Landrum and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen.

The decision, together with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. M.A.28-18

(SIGNED).

Tams Bixby.

Commissioner.

Cherokee Freedmen
D 257.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Starr and Patten,

Attorneys for Abbie Blythe et al,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting, among others, the application of Abbie Blythe for the enrollment of herself and children, Minnie and Calis Blythe as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the records of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informedof the same.

Respectfully,

Encl. M.A.28-15.

(SIGNED).

Tams Bixby.

Commissioner.

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedman case of Abbie Blythe, et al, D. 257, et al. Service of a copy of this motion on Zevely, Givens and Smith, attorneys for applicants, Muskogee, Indian Territory, is shown. The records of this office fail to show that a motion for a rehearing of the freedman case of Abbie Blythe, et al, has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applicants embraced in said case was, together with the record of proceedings had in the case, forwarded to the Department on June 28, 1906.

Respectfully,

Encl.M.A.22-1.

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
56236-1906.
65644-1906.
73828-1906.

September 12, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter from the Commissioner to the Five Civilized Tribes, dated June 28, 1906, enclosing the record in the case of Abbie Blythe, et al., applicants for enrollment as Cherokee freedmen; also a motion for re-hearing filed in this Office on July 31, 1906, by McGowan, Servess & Mohun, Washington, attorneys for the applicants. On August 22, 1906, the Commissioner transmitted to this Office the reply on behalf of the Cherokee Nation, showing written acceptance of service on August 9, 1906, by Zevely, Givens & Smith, attorneys for the applicants.

The principal applicant in this case, Abbie Bly (or Blythe), made application for the enrollment of herself and two minor children, Minnie Bly, aged sixteen and Calis Bly, aged twelve, on May 11, 1901, at Vinita, at which time she introduced testimony in support of her contention. Supplemental testimony was submitted on May 15, 1901, on October 2, 1901, October 4, 1901, January 27, 1902, and September 28, 1905. The other applicants in this case, Nancy Thompson, Edmond Blythe, Alice Lynch, et al., Lucy Landrum, et al. and Anna Henry, are the

children and grandchildren of the principal applicant, whose rights to enrollment as Cherokee freedmen depend entirely on such rights as she may have, except in two instances mentioned in the decision.

Theevidence shows that Abbie Bly (or Blythe) was the slave of James Blythe, a Cherokee citizen, before and at the commencement of the Civil War. The testimony of Blythe himself is that when the war broke out he was living in McDonald county, Missouri, and had been a resident of that State for about five years; that Abbie was his slave in Missouri, and that in the year 1862 or 1863 he sold her to one James Lemance, of Pineville, Missouri, that he next saw her after the war in the spring of 1866, when she came to him and again wanted to live in the family as in former days; that he saw her no more until some time after he moved to Vinita in 1871, when she came to him to seek advice as to the best place for her to locate.

The testimony of Abbie Blythe is very indefinite, contradictory and unsatisfactory on the one material point in this case, viz: as to when she returned to the Cherokee Nation after the war. At one time she said she came in a wagon with a family named Dodson, from some place in Kansas, and denied that she had ever lived in Missouri; that they came back in the fall of 1866, and camped out on the Grand River. At another time she testified that she came back with a whitefamily but did not know the name. The testimony of Mrs. Blythe

is clear on all points save that concerning Abbie's return to the Cherokee Nation, though somewhat in conflict with that of her husband, which is easily accounted for by reason of the great lapse of time intervening between the events and the hearing; but as to where Abbie Blythe was from 1865 to 1879 she knows nothing.

Captain Hicks, another of her witnesses, testified that he had known Abbie twenty-five or twenty-six years in the Cherokee Nation, but that he did not know where she was in 1866. It will be observed that he became acquainted with her in 1875 or 1876. The name of Abbie Bly (or Blythe) does not appear on the authentic roll of 1880, nor on the census roll of 1896, but does appear on the Kerns-Clifton Roll as Abbie Blye No. 3897, Cooweescoowee District, while Minnie Blye is on the same roll as No. 3899 and Callus Blye appears as No. 3900.

The evidence shows that applicants Anna Henry and Alice Lunch were born in the State of Missouri, and the Commissioner found that both were of white paternity, and assumed that the fathers were non-citizens. It is alleged by Abbie Blythe that one Calvin Hildebrand, deceased, was the father of Minnie and Calis Blyth, but there is no evidence that he was a citizen of the Cherokee Nation, even if it be assumed that he was in fact the father. There is no evidence showing who was the father of Edmond Blyth and Nancy Thompson.

The testimony in this case shows a very low state of morals, and about the only established fact is that Abbie Bly was a slave and is the mother of her children, Early Lynch and Calvin Lynch were proven to be the children of William Lynch former husband of Alice Lynch, from whom he was divorced in 1897 or 1898, and were duly enrolled as children of their father under Section 21 of the Act of June 28, 1898, (30 Stats. 495).

The motion for re-hearing is supported by five affidavits, which are presumed to be on the theory of newly discovered evidence, though no proper showing is made to establish that fact. Without entering into any discussion as to the showing necessary to justify a re-hearing, the Office calls attention to the fact that four of these affidavits signally fail to locate the principal applicant in the Cherokee Nation during 1866 or 1867, or at any other time. All they do is to locate her in Missouri at different times after the War.

The affidavit of Simon Lynch locates her in the Cherokee Nation, but even if his affidavit be true, it would seem that the exercise of any degree of diligence would have found him and produced him before the Commission during the five years this case was open.

The Office respectfully recommends that the motion for a re-hearing be denied, and that the decision of the Commissioner rejecting the enrollment of all the applicants except Early

Lynch and Calvin Lynch be affirmed; also that the enrollment of Early Lynch and Calvin Lynch be approved.

Very respectfully,

F. E. Lynch.

Commissioner.

FWH-LC..

D.C.54100 (COPY) J.F.Jr.

DEPARTMENT OF THE INTERIOR, LJB
WASHINGTON.

I.T.D.17913-1906. December 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Indian Office on September 13, 1906 (Land 73825), transmitted your report dated June 28, 1906, forwarding the record in the matter of the consolidated applications of Abbie Blythe et al. for enrollment as Cherokee freedman.

On June 28, 1906, you rendered a decision rejecting the applications of Abbie, Minnie, and Calis Blythe, Nancy Thompson, Edmond Blythe, Alice and Eddie Lynch, Lovely Eaton, Lucy Landrum, and Anna Henry and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen.

There is also transmitted a motion for rehearing filed by the attorneys for the applicants and the reply of the nation to said motion.

The Indian Office recommends that the motion for rehearing be denied, and that your decision rejecting the applications for the enrollment of all the applicants except Early and Calvin Lynch be approved. A copy of its letter is inclosed.

The Department has considered the motion for rehearing in

connection with the record, and is convinced that no sufficient reason is shown for a further hearing of this case.

The motion for rehearing is accordingly denied. Your decision, rejecting the applications of Abbie, Minnie and Calis Blythe, Nancy Thompson, Edmond Blythe, Alice and Eddie Lynch, Lovely Eaton, Lucy Landrum, and Anna Henry and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen, is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 5 to Ind. Of.

Cherokee F.
D 257.

Muskogee, Indian Territory, December 17, 1906.

Abbie Scott,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting your application for the enrollment of yourself and children, Minnie and Calis Blythe, as Cherokee freedmen was approved bythe Department December 8, 1906, and the motion for a rehearing of your case denied.

Respectfully,

H.J.C.

Commissioner.

Cherokee F.
D. 257 et al.

Muskogee, Indian Territory, December 17, 1906.

I. P. Bledsoe,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Blythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and the motion for a rehearing of said case denied.

For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-12.
H.J.C.

Commissioner.

Cherokee F.
D 257.

Muskogee, Indian Territory, December 17, 1906.

Starr & Patten,

Attorney for Abbie Blythe, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Blythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and the motion for a rehearing of said case denied.

For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-13.
H.J.C.

Commissioner.

Cherokee F.
D 257 et al.

Muskogee, Indian Territory, December 17, 1906.

Zevely, Givens & Smith,

Attorneys for Abbie Blythe et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, rejecting the applications for the enrollment of Abbie Blythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and your motion for a rehearing of said case denied.

For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-11.
H.J.C.

Commissioner.

Cherokee F.
D 257 et al.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Blythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and the motion for a rehearing of said case denied.

For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

Encl H.J.-10.
H.J.C.

Commissioner.

Muskogee, Indian Territory, February 9, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed an "amended motion for rehearing" of the consolidated Cherokee freedmen cases of Abbie Blythe, et al. This motion was filed by Zevely, Givens & Smith, Muskogee, Indian Territory, and Starr & Patten, Vinita, Indian Territory, January 18, 1907. The reply of the Attorney for the Cherokee Nation filed January 28, 1907, is also enclosed.

The decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, rejecting the applications for the enrollment of all of the applicants embraced in the consolidated Cherokee freedman cases of Abbie Blythe et al. except Early and Calvin Lynch, was affirmed by the Department December 8, 1906 (I.T.D. 17918-1906). The Department also, on that date, denied a motion filed by Messrs. Zevely, Givens & Smith, for a rehearing of the case,

holding that it "has considered the motion for rehearing in connection with the record, and is convinced that no sufficient reason is shown for a further hearing of this case."

The evidence upon which this motion herewith enclosed is based seems to be merely cumulative; in fact it is supported by copies of a number of affidavits which the Attorney for the Cherokee Nation alleges are copies of affidavits filed in support of the motion for rehearing which the Department denied on December 8, 1906. There is nothing whatever to show that the motion is not made for the purpose of delay, or that with due diligence the evidence now sought to be introduced could not have been secured when the case was heard before the Commission and the Commissioner. A re-examination of the records in the case convinces the Commissioner that there is no merit to the motion, and it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-84

Commissioner

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
107542-1906
15728-1907.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of December 8, 1906 (I.T.D.17918-1906), denying motion for re-hearing in the application of Abbie Blythe, et al., I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 9, 1907, enclosing amended motion for re-hearing in a consolidated case, which was filed with the Commissioner on January 18, 1907, by Zevely, Givens & Smith, of Muskogee, I. T., and Starr & Patten, of Vinita, I. T.

The reply of the attorney for the Cherokee Nation was filed January 26, 1907. The evidence on which the amended motion is based is merely cumulative. It is supported by copies of a number of affidavits which the attorney for the Cherokee Nation alleges are copies of affidavits filed in support of the motion for re-hearing, which was denied on December 8, 1906. There is noting to show that this motion is not made for the purpose of delay, or that with due diligence the evidence now sought to be secured could not have been produced when the case was first

heard before the Commission and the Commissioner.

The original application was made on May 11, 1901, and no decision was rendered until June 28, 1906, a period of more than five years, and it was not until after an adverse decision was rendered that the applicants made any effort whatever to secure the testimony that they now allege they could introduce if the case is re-opened.

The Office is of the opinion that sufficient diligence has not been shown in this case to justify a re-opening, and it therefore concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EWE--SD.

COPY

D.C.12322-1907. DEPARTMENT OF THE INTERIOR, J.FJr.

I.T.D.5554-1907. WASHINGTON. LLB

L.R.S.

Direct. March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The "amended motion for rehearing" of the consolidated Cherokee freedman cases of Abbie Blythe et al., received with your letter of February 9, 1907, and Indian Office letter of February 26, 1907 (Land 15728), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by section 2 of the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inc. and 8 to Ind. Of.

A. F. Mc

3-107.

Cherokee F
D 257.

Muskogee, Indian Territory, April 2, 1907.

Abbie Blythe,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Zevely, Givens & Smith, of Muskogee, Indian Territory, and Starr & Patten, of Vinita, Indian Territory, for a rehearing of the Cherokee freedman enrollment case of yourself and children, was denied by the Secretary of the Interior, March 1, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee F.
D 287

Muskogee, Indian Territory, April 2, 1907.

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Abbie Blythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-3
LMC

Cherokee F.
D 257, et al.

Muskogee, Indian Territory, April 2, 1907.

Zevely, Givens & Smith,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Abbie Blythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-4
LMC

Cherokee F.
D 257, et al.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing of the Cherokee freedman enrollment case of Abbie Blythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-5
LMC

Acting Commissioner.

Set for further hearing
Dec. 21, 1905.

C.F.D. 257 et al.

I believe the applicant Alice Blythe, and those applicants herein who obtain rights only through her, have failed to establish that they are entitled to enrollment as Cherokee Freedmen.

I believe further hearing should be granted in this consolidated case in order to establish:

(1) Whether or not Minnie and Calis Blythe (C.F.D. 257), possess any rights to Cherokee citizenship through their father, Calvin Hilderbrand, deceased.

(2) To show the father of Nancy Thompson (D 317), Edmond Blythe (D 306), and Alice Lynch (D 367), and whether or not they possess any rights to enrollment through him.

(3) To show that Lovely Eaton (D 367), and Lucy Landrum, (D 368), are the children of Thomas Eaton, their alleged father. The said Thomas Eaton is listed for enrollment on C. F. card No. 701, and is included in a partial roll of Cherokee Freedmen opposite No. 1744.

(4) To identify the father of Early, Calvin and Eddie Lynch (D 367), who, the testimony shows, is named William Lynch, and is living apart from said applicants' mother, Alice Lynch. In C.F.D. 243, one William Lynch, aged 22, applies for the enrollment of himself only, and testifies that he has a wife and children, that he is not living with them, and that his wife had formerly applied for the children's enrollment. The said Alice Lynch's application was filed May 21, 1901, and the said William Lynch's was filed July 1, 1901. The testimony in the two cases, however, is not strong enough to conclusively establish the relationship. William Lynch has been finally rejected. The above information could probably be obtained by letter.

The applicant Celia V. Landrum, is clearly entitled to enrollment as a descendant of one on the 1880 and final roll and can be transferred to a straight card by order.

In re Minnie and Calis Blythe, address Alice Scott, Spavinaw, and I. P. Bledsoe, Chouteau.

In re Nancy Thompson, Edmond Blythe and Alice Lynch, Spavinaw, and I. P. Bledsoe, Chouteau, I.T.

In re Lovely Eaton, address Lovely McGhee, Spavinaw, and in re Early, Calvin and Eddie Lynch, address Alice Lynch, Spavinaw.

In re Lucy Landrum, Chanee, I. T.

The said William Lynch's [illegible] address is Hayden, I.T.

Mr Justice
Courtney Kenny
says I am in
some doubt
as to the
correctness of
this decision
FBP

3

7D257

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I. T. Oct 2d 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Aline Blythe for enrollment as Freedmen of the Cherokee Nation.

D P Blythe
Agt. for applicant

No. 2577 F

Choteau, Indian Territory, 12 1905

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Abbie Blythe No 757

F. P. Bledsoe

Attorney for Applicants

Cher. Fr. R 855

Cher. Fr. R-855

Trans. from Cher. Fr. D -264

U.S. 2124

DEPARTMENT OF THE
FIVE
BES.

Department of the Interior
Commission to the Five Civilized Tribes.
Vinita, I. T., May 11, 1901.

In the matter of the application of Henry Adair forenrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Henry Adair.
Q Who is it you want to have enrolled; just yourself? A Just myself.
Q How old are you? A I couldn't tell exactly; I was born in Georgia.
Q About how old would you call yourself? A I expect about 65, something like that, maybe more.
Q Did you come here in '57? A About that time.
Q You were a little fellow then? A No, I went down to Arkansas.
Q Have you lived in the Cherokee Nation ever since way before the war? A Yes sir, a long time before the war.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Were you a slave in the Cherokee Nation when the war began? A Yes sir.
Q To whom did you belong? A Watty Adair.
Q Was he called Red Watty? A Yes sir.
Q A recognized Cherokee citizen, was he? A Yes sir.
Q Give me the name of your wife. A My wife was Dicey.
Q You and she are not living together now? A No sir.
Q Is she a recognized Freedman of the Cherokee Nation? (No answer)
Q Was your wife a slave before the war? A Yes sir, she was a slave.
Q Here in the Cherokee Nation? A No sir, she wasn't here in the Cherokee Nation.
Q Where was she in slavery days? A Down close to Kane Hill.
Q She lived on the Arkansas side? A Yes sir.
Q And did you live on the Cherokee side? A Yes sir.
Q Was your wife with you during the war? A Yes sir, along with me all the time until we got free; then we parted.
Q Then you parted after the war? A Yes sir.
Q About how long after the war when you and she parted? A Just a little while.
Q Some years? A Some years ago.
Q Was it ten years after the war, as much as that? A About five years, I guess.
Q About five years after the war was over - after peace was made? A Yes sir.

The 1880 authenticated roll, the 1896 census roll, the Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The Wallace Roll examined and the name of the applicant is found on page 98, No. 2091, Henry Adair, Delaware District.

Q Did you draw Cherokee strip money four years ago, or that Kerns Roll? A Yes sir, I think I did.
Q How much did you get; it was a pretty big sum, you ought to know about that? A I don't know exactly; I got eight or nine dollars.
Q How comes it that you are not on the 1880 roll? A Well, I don't know the reason; they didn't put me on there; I went there pretty often. I went in there a time or two; I went up.
Q You don't know, do you? A No sir, I don't know.
Q Well, about the roll of 1896, do you know any reason why they didn't put you on that? A I never drawed money only but one time a small bit, and then the other they gave me so much the other time the grass money they called it something like that.

Tobe Bean, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:
Q Give me your full name. A Tobe Bean.
Q How old are you? A 63 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A I was raised here; bred and born here.

here; bred and born here.
Q Do you know this old man, the applicant here? A Yes sir.
Q How long have you known him? A About forty years, I guess.
Q Did you know him back in slavery days? A Yes sir.
Q Who was his master in those old times? A Red Watty Adair.
Q Where was this old man during the war? A He was passing backward and forward through the nation here; I don't know where he was all the while; I never seen him until about 16 years ago.
Q Did you know him back in slavery days? A Yes sir.
Q And then you didn't know anything more about him - you lost the run of him until about 16 years ago? A Yes sir.
Q You don't know why he wasn't put on the 1880 roll? A No sir, I don't.
Q When was it you last saw him before you met him some 16 years ago; when and where? A He was in Flint District when I saw him the last time in '62.
Q You know he was a slave? A Yes sir, I know he was a slave; we lived a mile apart.
Q And in the Cherokee Nation? A Yes sir.
L. B. Bell: What time did you move away from Flint? A I don't know exactly what time; we used to live on Grand River about two years; Cousin William did.
Q About what time did you leave Flint - you came before the war, didn't you? A Yes sir.
Q About two years? A Yes sir.
Q Were you down in Flint in '62? A Yes sir, I went back down there.
Commissioner of Appliance: Where were you during the war? A I was at Gibson, and the time they were hauling provisions down there for the Indians, and I was helping them haul provisions down to Indians.
Q Were you out of the Cherokee Nation while the war was going on? A No sir, I was in the nation all the time.
Q After the war closed what did you do? A I went to Kansas; I stayed there about four or five years and then I come back again.
Q You went to Kansas just when the war closed? A Yes sir, just a little after the war closed.
Q Little after or a little before? A A Little afterwards.
Q About how long after the fighting stopped? A I guess about one year or two, and then I went there and they hired me to carry provisions to the Indians to the train in Kansas, backward and forward.
Q You stayed there four or five years? A Yes sir.
Q Then what did you do? A I didn't do much of anything; I hain't much to do.
Q I mean after you did that work in Kansas - you had been there four or five years - after that what did you do? A I worked around town.
Q Around what town? A In Emporia, Kansas.
Q Do you understand my question? A Yes sir.
Q You told me you went to Kansas after the war and stayed there four or five years, do you understand that? A Yes, I understood that.
Q Do you understand what I say - you told me that you went to Kansas just after the war and you stayed there four or five years, is that right? A I think it is; yes, I think I did; I know I did.
Q After you did that, what did you do? A I come back here and stayed.
Q Stayed where and how long? A Well, I stayed around about here and I lived with Tobe Bean pretty much of the time.
Q When you came back from Kansas, did you come then to Tobe Bean's house? A Yes sir, right to his house.
Q As soon as you came back from Kansas? A Pretty much so.
Q Have you been living about Tobe Bean's ever since? A Yes sir, lived close to Tobe Bean's ever since.
Q Tobe Bean says you came to his house about 16 years ago? A Back and forward. I couldn't stay at one place all the time.
Q You were at Tobe Bean's part of the time? A Yes sir.
Q And you would go back to Kansas part of the time? A No sir, just worked around the nation in one place and then another. I was just wandering about like anybody would do.
Q Well now, you seemed to have stayed a long time in Kansas - did

you vote up there? A No sir, never voted up there.
Q When you came back to the Cherokee Nation did you ever apply to the Cherokee authorities to be readmitted to citizenship? A As near as I could I did.
Q What did you do of that kind - did you apply to the Cherokee Council at Tahlequah? A No, not at Tahlequah I didn't.
Q You didn't apply to anything at Tahlequah? A No, not that I know of.
Q Did you apply to the Dawes Commission in 1896, four or five years ago? A I think I did.
Q Where did you apply? A I forgot now where.
Q Have you got any other name besides Henry; is that all your name? A Yes sir, just Henry Adair.

Dawes Commission record has been consulted and he cannot be found on that record of 1896.

The applicant is not identified on the roll of 1880, nor upon the census roll of 1896, nor upon the Kerns Clifton Roll, but he is identified on the Wallace Roll. He appears to have gone to Kansas very soon after the close of the war. He seems to have been a slave in the Cherokee Nation at the breaking out of the Civil War, and the evidence indicates that he stayed in Kansas until some sixteen years or such a matter ago. It is considered probable that he has abjured his citizenship. He states that he never made application to the Cherokee authorities for readmission to citizenship, and the records of the Dawes Commission, which have been searched, for his name, do not indicate that he ever applied to the Commission for readmission to citizenship. Under these conditions, the applicant will be listed as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of May, 1901.

Commissioner.

FILED
MAR 26 1906
COMMISSION TO FIVE TRIBES.

C. F. D.-264-833.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 20, 1905.

In the matter of the application for the enrollment of Henry Adair, et al., as citizens of the Cherokee Nation.

On this, March 20, 1905, this case coming on to be heard, and no appearing by or on behalf of the applicants. Bell, Hastings & Davenport, appearing for Cherokee Nation.

Josie Davies, having been first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported all proceedings had in the above entitled cause on the 20th day of March, 1905, and that the above and foregoing is a full, true and complete transcript of her stenographic notes thereof.

Josie Davies

Subscribed and swern to before me this March 28, 1905.

Myrone White
Notary Public.

DEPARTMENT OF [illegible]
COMMISSIONER TO THE FINE CIVIL [illegible]
FILED
NOV 2 1905
COMMISSIONER

Cherokee Freedman D-264.
Cherokee Freedman D-833.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 2, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of HENRY ADAIR and WILLIE ADAIR, as Cherokee freedmen.

APPEARANCES:
For Applicants, No Appearance.
For Cherokee Nation, W. W. Hastings.

It appears from the records of this office that on October 20, 1905, the applicants, their attorney, and the attorneys for the Cherokee Nation were notified by letter that this case would be taken up for further hearing at this office on November 2, 1905, and that they would be permitted to appear and introduce such testimony as they may have upon the points indicated in said letters, at which time the following proceedings were had.

CHARLEY RYDER, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Charley Ryder.
Q What is your age? A 55.
Q What is your post office? A Emporia, Kansas.
Q How long has Emporia, Kansas, been your post office? A Since 1864.
Q You have lived there continuously since 1864? A With the exception of three months.
Q During your residence there did you know a colored man named Henry Adair? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A Dicey.
Q Did you know a son of theirs named Willie? A I know him, yes sir.
Q About how soon did you become acquainted with this family of colored people? A I think it was in 1865 or '66.
Q Were they living there in Emporia? A Yes sir.
Q You got acquainted with them there in Emporia, Kansas? A Yes sir.
Q Did they have any other children except Willie Adair? A I think they had nine children all together.
Q The records show here that application was only made for one, Willie Adair, did you remember the names of any of the others?
A There was Harry, John, Joe, and Willie Adair living, and then there was two daughters, I thi k one was Caroline and the other was, --- I can't think of her name, they are both living, one lived in Oklahoma and the other lived in Emporia.
Q Did these boys live in Emporia, the ones you mentioned? A They are all there except Joe, I think he is working on the railroad somewhere.
Q Is Henry Adair living now? A I think not.
Q When did he die? A About a year and a half ago.
Q Where did he die? A At Emporia.

Q Is his wife Dicey alive? A No sir.
Q Where did she die? A At Emporia.
Q About when? A A short while before the old gentleman died.
Q What did his wife Dicey do? A She used to wash, work out.
Q What did Henry do? A Most anything, worked in the printing office when they had the old hand press.
Q What business are you engaged in? A Drug business.
Q About how large a place was Emporia, Kansas, when you went there in 1864? A I think probably four or five hundred, maybe not that many.
Q Many colored people there at that time? A I think at the time I went there, there was no colored people there.
Q Henry Adair and his wife came there? A They settled about 16 or 18 miles north of Emporia at Mr. Phillips, and a short time afterwards came to Emporia.
Q Is the scarcity of colored people the reason that you remember them? A I think they were the third or fourth colored people I ever saw.
Q Where did you live prior to that time? A In the State of Michigan.
Q Didyou know them continuously from the time you got acquainted with them from 1865 or 1866 up until their death? A I have known them, of course, the old gentleman has been away from there, been down here in the Territory a part of the time.
Q When did you first miss him up there? A I couldn't tell you.
Q Your best judgment? A Well 7 or 8 years ago, couldn't say exactly.
Q We had a roll made here in 1896, about 9 years ago, do you think it was somewhere along about that time? A I remember him coming back and him stating he was enrolled here.
Q And where was his wife living at that time? A Emporia.
Q Did she ever come down here? A Not as I know of.
Q Prior to that time had Willie or any of these children ever gone away from up there so far as you know? A Not for any length of time.
Q You had seen them from that time off and on? A Yes sir, noticed the boys as they come on, they would take to bootblacking, when one of the boys stepped out another came in.
Q Went to any schools there? A Yes sir, ~~the~~ to the public schools.
Q Do you know whether all these boys, these children, were born up there? A I don't know but my impression is most of them were.
Q Of course I suppose you knew the family lived there, and these children were born and it is your supposition they were born there? A Yes sir, that is my supposition, I do not know about the older children.
Q Did they have any children when you first knew them? A Yes sir, I think Harry and one of the girls, that is dead. I remember the little kids around there, it was along about 1870 when they began to get out on the streets.
Q Did you know where they lived from your house? A Yes sir.
Q How far did they live from you when you first began to know them in 1865 or '66? A I guessit was a little later than that they moved to town and built themselves a house.
Q They own a house? A Yes sir.
Q Did they continue to own that house until their death? A No sir, up until two or three years ago the old man and lady separated.
Q About when did they separate? A I couldn't tell you.
Q Your best judgment as to how long ago was it before he came down here, or after he came down here, that they separated? A I think it was after he came down here.

Q You hadn't heard of it before? A No sir.
Q Do you know whether they had sold this property before or after they separated? A I think that was afterwards, only a few years ago.
Q They they only separated a few years ago? A No sir, she traded the property, I don't know whether he was interested in it or not.
Q But they lived in that house continuously from the time they moved to town until they separated? A No not that. Of course they worked for people there. I don't know just when this house was built but it was along in the 70's. I think some of the citizens helped them build there house.
Q About what age man was Henry Adair? A Well, I don't know, he is an man that always looked old, he looked old when he came ~~the~~ there. He used to say he recokon he was about 16 years of age, but then he was old, he had an old look to him.
Q Of course 16 was just a joke? A That was a joke, that is as near as anybody knows about his age, he didn't know it himself.
Q Well he was an old man when you first knew him? A Yes sir, a middle age man.

ON BEHALF OF THE COMMISSIONER:
Q Do you know anything about when Henry and Dicey Adair were married? A No sir.
Q Were they married when you first learned to know them? A They were man and wife.
Q Is that Willie, do you know him now? A Yes sir.
Q Where ishe? A I think he is at Emporia, was a short time ago back there on a visit. He is living down here in the Territory.
Q About how old a man is he? A I suppose in the neighborhood of 38 or mewhere along there.
Q Do you know where he was born? A No sir, I don't.
Q Do you know where Henry Adair was directly after peace was made, after the war? A He was in Emporia, on Duck Creek a short distance from there.
Q Do you know anything about his coming to the Cherokee Nation about that time? A I think he always claimed he was a slave before the war, and I think he said his master was Col. Adair.
Q Do you know about him returning to the Cherokee Nation directly after the war? A No sir, I don't, not a very many came down here directly after the war or during the war from our part of the country.
Q At the close of the war he lived about 12 or 14 miles from Emporia? A About 18 miles on Duck Creek.
Q Do you think you would have known it him living that far away if he had come to the Cherokee Nation at the close of the war?
A I don't know, of course I wouldn't have any special reason for knowing it.
Q About when was it he moved to Emporia? A It was my judgment they came there during the war.
Q I am speaking about the time he moved to the twon of Emporia?
A That must have been somewhere in 1865 or '66 probably.
Q Do you know how long he continued to live there first without coming here? A I don't remember of him coming here at all until he came down here in the Territory about 7 or 8 years ago.
Q Do you know anything about the different trips he made to the Cherokee Nation prior to the time that he came down after that enrollment you spoke of? A No sir, I don't.
Q Do you know of your own knowledge whether he ever made any trips p prior to that time? A I know he was away from Emporia along about that time.

Q I am speaking prior to that time? A No sir, I don't.
Q You never missed him from there? A I couldn't answer that, those people come and they went but I don't know of any trips.
Q He always claimed to be a Cherokee freedman, didhe? A That was my understanding, yes sir.
Q He always claimed to be entitled to enrollment as a freedman?
A Yes sir.
Q Do you know about his taking up any property in the Cherokee Nation? A Only what he said he had a claim there.
Q The claim he referred to, do you know whether that was the claim on a place he had taken up in the Cherokee nation or whether it was a claim to enrollment? A I think it was timber claim, timber on the land, it had to be cleared.
Q Do you know whether he cleared it himself? A I don't.
Q Do you know about when he took up that claim? A No sir, I don't.
Q Do you know whether it was prior to the time he came down here to the enrollment spoken of? A It was before that. I know he was down to the enrollment, and I think he was here before that.
Q Do you know whether he made trips to the claim he had down here before that? A He was gone away from Emporia several times, claimed he was down here.
Q Was it your understanding that during his absence he was in the Territory? A There is where he claimed he was.
Q Now you can't remember the number of times whether he was down here a great number of times or just a few times, can you? A No sir, I can't, I have no reason for knowing.
Q You don't remember about the length of his absence from Emporia?
A No sir, I don't.
Q Do you know whether his wife Dicey ever came down with him? A No sir.
Q Do you know whether any of his children came down with him? A I think John was down here with him, and afterwards I think Willie came down.
Q Willie was born, the record shows about the time of the closing of the war, do you know how long he lived there where he was born?
A I don't know whether he was born there? I know he was quite a school boy when he lived there, along pretty fairly well in the school.
Q About how much time has he spent at Emporia for the last 15 or 20 years? A I think the last probably 5 or 6 years he has been away from there pretty continuously.
Q Prior to that time was he in and out of Emporia? MA Yes sir.
Q Where did Henry Adair die, do you know? A At Emporia.
Q Did he have a home there when he died? A His wife had a home there.
Q You stated that he and she were separated? A Yes sir, he came back there sick, he died at his son's there.
Q Do you know whether he voted in Kansas or not? A I don't know, I expect he did, that is one thing the colored people never turn down, a vote, if they can help it.
Q Willie Adair ever been married you know of? A He is married now.
Q Where does he live, do you know? A I don,t know, it is in the Nation somewhere.

BY MR. HASTINGS:
Q Did you ever miss Willie Adair away from there until 5 or 6 years ago? A Not until he went to Parsons or Coffeyville.
Q You saw him there as any other colored people and didn't miss him away from ther until 5 or 6 years ago? A No sir.
Q Did you ever miss Henry Adair away from there until 9 or 10 years ago? A No sir.

ON BEHALF OF THE COMMISSIONER:
Q You understood all the time he had made several trips to the Cherokee Nation? A Down here to the Territory.
Q Do you know what he ever did with that claim? A I do not.

BY MR. HASTINGS:
Q Do you in fact that he had a claim? A Only what he said.
Q When did you first hear him speak of that claim? A It was along about the time of that enrollment, they came down here to be enrolled.
Q When did you first know or hear of his ever coming to the Cherokee Nation, how long before that? A Well I can't answer that question because I couldn't give the date. I know that was the proper time he came back there talking about his claim being down in the Territory.
Q That was sme 7 or 8 or 10 years ago? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q I believe you stated in your first corss-examination that he was away from Emporia from time to time prior to the time he came down to the enrolment mentioned? A Yes sir, I think so.
Q And he claimed to have taken up a claim in the Cherokee Nation prior to that time? A Yes sir, spoke about his claim.
Q You don't have any idea about when he took up that claim? A No sir, I don't.
Q All you know about it is what he and his children said? A That is all I know about it, yes sir.

W I T N E S S E X C U S E D.

The Cherokee Nation announces that it has no further testimony to offier in this case, and the applicant appears neither in person or by attorney, the case will be closed and a decision will be rendered on the evidence heretofore ~~introduced~~ introduced.

----------cOo----------

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 3rd day of November, 1905.

Edward Ellerson
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

a Jm

In the matter of the applications for the enrollment of Henry and Willie Adair as Cherokee Freedmen, consolidating the applications of

Henry Adair,	Cherokee Freedman D 264,
Willie Adair,	Cherokee Freedman D 833.

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Henry Adair for himself; and by Willie Adair for himself. Further proceedings in the matter of said applications were had on March 20 and November 2, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant Henry Adair, was the slave of a Cherokee citizen at the commencement of, and removed from the Cherokee Nation to Kansas during, the rebellion, and did not return to said Nation and establish his residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation.(The testimony indicates that Dicey Adair, former wife of the said Henry Adair, was the slave of a Cherokee citizen at the commencement of the rebellion, and Cherokee Freedman Doubtful card No. 833 shows her master's name was Watty Adair, a Cherokee citizen). The testimony shows that the said Dicey Adair removed to Kansas with her husband at the time above indicated, and continuously resided in that state until her death, several years ago; that the applicant Willie Adair, is the son of the said Henry and Dicey Adair, was born about 1865, and possesses no rights to Cherokee freedman citizenship other than as a descendant of his said parents; and that neither of the applicants herein, nor the said Dicey Adair, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Henry Adair and Willie Adair are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this _____ 1905

W 264

No.

SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the

I, ... do solemnly swear that I am ..... years of age, and that on the ..... day of ..... 190 ..., in the Nation, Indian Territory, I served the within Subpoena on the within named .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... day of 190

Freedman D 264

Department of the Interior,

Commission to the Five Civilized Tribes.

To Charley Ryder

Emporia, Kansas.

[illegible] *are hereby summoned to appear before the Commission to the Five Civilized Tribes at* ~~Muskogee~~ ---------- ------ ~~Nation~~, *Indian Territory, on the* 2nd *day of* November 1905, *to testify before said Commission in the matter of the* appliation for the enrollment of

Henry Adair, et al.,

Dated at Muskogee, I. T. *this* 25 *day of* October 1905.

Commissioner.

IN RE
THE DEATH OF

Henry Adair
a citizen of the
Cherokee Nation.

Approved July 28 1903
C. R. Breckinridge
Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 28 1903

JUL 27 REC.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Henry A Dair (Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near Oldman District near Vinita (Here insert name of post office), Ind. Ter., and died on the Second day of July 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
State ~~INDIAN TERRITORY~~ of Arkansas
Lyon County ~~District~~.

I, Willie A Dair, on oath state that I am 38 years of age and a citizen, by residence, of the Cherokee Nation; that my post office address is Welch (Here insert name of post office) Ind. Ter.; that I am the Son (State relationship as the father, an uncle, a cousin, etc.) of Henry A Dair (Here insert name of deceased), who was a citizen, by freedman by decree of the Cherokee Nation; and that said Henry A Dair (Here insert name of deceased) died on the 2nd day of July, 1903 at Emporia Kansas

Willie A Dair

WITNESSES TO MARK:

(Must be Two Witnesses)

W J Morgan

M. M. Sudolwelk.

Subscribed and sworn to before me this 23rd day of July 1903

My commission expires January 31st 1906 C. C. Allen Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
State ~~INDIAN TERRITORY~~ of Kansas
Lyon County ~~District~~.

I, Coston Gibson, on oath state that I am 45 years of age, and a citizen, of the State of Kansas Nation; that my post office address is Emporia Kansas (Here insert name of post office) ~~Ind. Ter.~~; that I was personally acquainted with Henry A Dair (Here insert name of deceased) who was a citizen by decree of the Cherokee Nation; and that said Henry A Dair (Here insert name of deceased) died on the 2nd day of July, 1903 at Emporia Kansas

Coston X Gibson
his mark

WITNESSES TO MARK:

(Must be Two Witnesses)

W J Morgan

M. M. Sudolwelk

Subscribed and sworn to before me this 23rd day of July 1903

C. C. Allen Notary Public.

My Commission Expires January 31st 1906

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Henry Adair,
Vinita, I.T.
Cherokee F-D-264
Register.

Ch. J. D. 264

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 11-1901

Post Office

District

1. Name Henry Adair Age ~~[illegible]~~ 77

Owner's name Lottie Adair Citizenship Cherokee.

Year Wallace Roll 98 No. 2094 District D.C.

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Henry Adair Stenographer Ed Thornburgh

Cherokee F-D-264
~~Cherokee F-D-235~~

Muskogee, Indian Territory, August 15, 1902.

F. H. Kellogg,
Attorney at Law,
South McAlester, Indian Territory,

Dear Sir:

In reply to your letter of August 8, relative to the applications of Henry Adair and Willie Adair for enrollment as Cherokee Freedmen, there is enclosed you herewith copy of the testimony taken in each of these applications. This testimony will show you just what evidence has been presented to the Commission in each of these applications and from same you can determine what further steps you desire to take.

Please sign and return to the Commission the enclosed receipt for testimony.

Yours truly,

Acting Chairman.

Encl. B-44.

Cherokee . D-364.

Muskogee, Indian Territory, September 10, 1902.

W. A. Gibson, Esq.,

Attorney for Henry Adair,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter, under date of August 30th, requesting that you be allowed to introduce testimony of one or more witnesses as to the residence of the said Henry Adair since 1860.

In reply, you are advised that you will be permitted to introduce such testimony at the office of the Commission on Monday, September 22nd.

Yours truly,

Acting Chairman.

Cherokee F. D-264.

Muskogee, Indian Territory, September 10, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that H. A. Gibson, Attorney for Henry Adair, will introduce additional testimony in the matter of the application of said Henry Adair for enrollment as a Cherokee Freedman, at the office of the Commission, on Monday, September 22, 1902.

Yours truly,

Acting Chairman.

Cherokee Freedmen
D 264

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Henry Adair for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the time of the applicant's return to the Cherokee Nation after the close of the war of the rebellion and as to his residence from the time of his return until his death in 1903.

The applicant's son, Willis Adair, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 264

Muskogee, Indian Territory, January 23, 1904.

F. H. Kellogg,

Attorney for Henry Adair,

South McAlester, Indian Territory.

Dear Sir:

In the matter of the application of Henry Adair for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the time of the applicant's return to the Cherokee Nation after the close of the war of the rebellion, and as to his residence from the time of his return until his death in 1903.

You are advised that the applicant's son, Willis Adair, Vinita, Indian Territory, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON J. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 264

Muskogee, Indian Territory, January 23,1904.

Willis Adair,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of your father, Henry Adair, for enrollment as a Cherokee Freedman you are hereby advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to when your father returned to the Cherokee Nation after the close of the war of the rebellion and as to his residence from the time of his return until his death in 1903.

You are, therefore, directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday March 1, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedman
D-264.

Muskogee, Indian Territory, January 13, 1905.

Willie Adair,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your father, Henry Adair, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that you introduce further testimony as to the date of your father's return to the Cherokee Nation after the rebellion, and as to his residence from the time he returned until his death in 1903.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, and introduce the testimony as above suggested.

Respectfully,

Register. Chairman.

COPY.

Cherokee Freedman
D-264.

Muskogee, Indian Territory, January 13, 1905.

N. A. Gibson,

Attorney for Henry Adair,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Henry Adair as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to the date of his return to the Cherokee Nation after the rebellion, and as to his residence from the time he returned until his death in 1903.

Willie Adair, son of the applicant, Henry Adair, has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, ~~January~~ Mch 30, 1905, and introduce the testimony as above suggested.

Respectfully,

Register.

Tams Bixby
Chairman.

COPY.

Cherokee Freedmen
D-264

Muskogee, Indian Territory, March 10, 1905.

Willie Adair,

Welch, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your father, Henry Adair, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that you introduce further testimony as to the date of your father's return to the Cherokee Nation after the rebellion, and as to his residence from the time he returned until his death in 1903.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 20, 1905, and introduce the testimony as above suggested.

Respectfully,

Tams Bixby
Chairman.

Register.

Cherokee Freedman
D-264

Muskogee, Indian Territory, March 10, 1905.

M. A. Gibson,

Attorney for Henry Adair,

Muskogee, Indian Territory:

Dear Sir:

In the matter of the application for the enrollment of Henry Adair, as a Cherokee Freedman, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to the date of his return to the Cherokee Nation after the rebellion, and as to his residence from the time he returned until his death in 1903.

Willie Adair, son of the applicant, Henry Adair, has this day been notified to appear before the Commission at its office in Muskogee, Indian Territory, at nine o'clock A.M. on Monday, March 20, 1905, and introduce the testimony as above suggested.

Respectfully,

Tams Bixby.
Chairman.

Register.

COPY

Cherokee Freedman
D-264

Muskogee, Indian Territory, March 10, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Henry Adair for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the time of the applicant's return to the Cherokee Nation after the close of the war of the rebellion and as to his residence from the time of his return until his death in 1903.

The applicant's son, Willie Adair, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M. on Monday, March 20, 1905, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Tams Bixby
Chairman.

Cherokee Freedmen

D-264 D-855.

Muskogee, Indian Territory, October 20, 1905.

W. A. Gilmor,

Attorney for Henry Adair, et al.,

Muskogee, Indian Territory.

Dear Sir:

In connection with the application of Henry Adair, deceased, for enrollment as a Cherokee freedman, and with the application, as a Cherokee freedman, of his son, Willie Adair, claiming through the said Henry Adair, deceased, you are advised that before said action can be taken in said cases it will be necessary that further testimony be introduced as to the residence, in fact, of the said Henry Adair during the interval between the close of the war of the rebellion and September 1, 1866.

The said Willie Adair has, therefore, been directed to appear before the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 2, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in said case.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-264 D-833.

Muskogee, Indian Territory, October 27, 1905.

Hon. Justin S. Davenport,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In connection with the application of Henry Adair, deceased, for enrollment as a Cherokee freedman, and with the application, as a Cherokee freedman, of his son, Willie Adair, claiming through the said Henry Adair, deceased, you are advised that the evidence now in record in said case will be accepted, if filed at a time to be hereinafter to be introduced as to the residence, in the Cherokee Nation, of the said Henry Adair during the interval between the close of the war of the rebellion and September 1, 1890.

The said Willie Adair has, therefore, been notified to appear before the office of the Commission to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 2, 1905, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that date and introduce such evidence as it may desire in said case.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

D-264 D-833.

Muskogee, Indian Territory, October 20, 1902.

Willie Adair,

Vinita, Indian Territory.

Dear Sir:

In connection with the application of your father, Henry Adair, deceased, for enrollment as a Cherokee freedman, and with your application as a Cherokee freedman of like character, [illegible] before a decision can be rendered in your case it will be necessary that further testimony be introduced as to the residence, in the Cherokee Nation, of your father, Henry Adair, during the interval between the close of the war of the rebellion and September 1, 1902.

You are, therefore, hereby directed to appear before the undersigned, Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 6, 1902, and introduce testimony as above indicated. The claimant herein will be permitted to appear on that date and introduce such testimony as it may deem in said case.

Respectfully,

IS
Register

Commissioner.

COPY.

Cherokee
F D-264, 833

Muskogee, Indian Territory, November 4, 1905.

N. A. Gibson,

Attorney for Henry Adair, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental proceedings had in the matter of the application for the enrollment as Cherokee freedmen of Henry Adair, et al., Cherokee Freedman D-264 and 833, taken at Muskogee, Indian Territory, on November 2, 1905, together with a receipt for same which you will please sign and return to this office.

Respectfully,

SIGNED:
Tams Bixby.
Commissioner.

Incl. GL-95.
GHL

Cherokee Freedmen

D-264, et al.

Muskogee, Indian Territory, December 27, 1905.

W. A. Gibson,

Attorney for Henry Adair, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications of Henry and Willie Adair for enrollment as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. S-7

Commissioner.

Cherokee Freedmen

D-264, et al.

Muskogee, Indian Territory, December 27, 1905.

Willie Adair,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting your application for the enrollment of yourself, and the application for the enrollment of Henry Adair, as Cherokee freedmen. Your attorney, W. A. Gibson, Muskogee, Indian Territory, has heretofore been furnished a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. 8-9

Commissioner.

Cherokee Freedmen

D-264, et al.

Muskogee, Indian Territory, December 27, 1905.

Pell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the applications of Henry and Willie Adair for enrollment as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. C-6

Commissioner.

Muskogee, Indian Territory, December 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of Henry Adair, et al., as Cherokee freedmen, including the Commissioner's decision dated December 7, 1905, rejecting the applications for the enrollment of Henry and Willie Adair as Cherokee freedmen.

Respectfully,

Incl. S-10

Commissioner.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Land
145-1906

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

(COPY) WASHINGTON. January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated December 27, 1905, transmitting the record relative to the application of Henry Adair, et al., for enrollment as Cherokee freedmen.

On May 11, 1901, Henry Adair applied to the Commission to the Five Civilized Tribes for enrollment as a Cherokee freedman, and Willie Adair, his son, also applied for such enrollment.

On December 27, 1905, the Commissioner held that the applicants were not entitled to such enrollment.

The evidence shows that Henry Adair was a slave of a citizen of the Cherokee Nation, and that he, together with his wife, Dicey Adair, was taken to the State of Kansas at the commencement of the war of the rebellion, and that neither Henry Adair nor his wife, Dicey Adair, returned to the Cherokee Nation within the time specified in Section 3 of the Act of April 26, 1906 (34 Stat.L.,137).

Willie Adair is the son of Henry and Dicey Adair, and possesses no right to be enrolled as a Cherokee freedman other than that

derived from his parents.

The decision of the Commissioner adverse to the applicants is recommended for approval.

Very respectfully,

C. F. Larrabee,

HRD--SD

Acting Commissioner.

(C O P Y)

D.C.3515-1907. J.C.H.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.378-1907. January 14, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the application for the enrollment of Henry and Willie Adair as Cherokee freedmen, together with your decision of that date, adverse to both applicants.

Reporting January 7, 1907 (Land 145-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cherokee F.
D-833 et al.

Muskogee, Indian Territory, January 25, 1907.

N. A. Gibson,

Attorney for Henry Adair, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, denying the application for the enrollment of Henry and Willie Adair as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 14, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-15
JMH

Cherokee F.
D-833 et al.

Muskogee, Indian Territory, January 25, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, denying the application for the enrollment of Henry and Willie Adair as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 14, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-14
JMH

Commissioner.

Cherokee F.
D-833

Muskogee, Indian Territory, January 25, 1907.

Willie Adair,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for the enrollment of yourself and father, Henry Adair, as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 14, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.
D-264 et al.

Muskogee, Indian Territory, January 25, 1907.

Starr & Patten,

Attorneys for Henry Adair, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, denying the application for the enrollment of Henry and Willie Adair as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 14, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H-16
JMH

Commissioner.

REGISTERED
JAN 1905
VENITA, IND. TER.

1905
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOCEE, IND. TER.

231
242

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Willie Adair,

Vinita, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOCEE, IND. TER.

1195
1119

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Willie Adair,

Welch, Indian Territory.

JAN 7 AM 1904 RECD.

MUSEUM

REGISTERED
MAR 17 1902
MUSKOGEE, IND. T.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

~~1902~~

No 282/270

~~Mr. Henry Adair~~,

~~Vinita~~, ~~Indian~~ Territory.

MAR 14 1030AM 1902 IND. T.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

VINITA IND. T. FEB 24 1130AM 1904

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Mr Adair

~~Willis Adair,~~

~~Vinita, Indian Territory.~~

Return to Writer

Aug 11, 1902

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Irving Edgar

for enrollment as a freedman of the Cherokee Nation.

D. H. Kelly
Attorney for Applicant

Cherokee Roll No. 4 2661

Cher.Fr.R-856

Cher.Fr.R-856

Trans. from Cher. Fr.D280

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 15th 1901.

In the matter of the application of Harvey Martin for the enrollment of himself, his wife and four children, as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Harvey Martin.
Q How old are you? A. 28 or 29.
Q What is your post office address? A. Adair.
Q What district do you live in? A. Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. I claim to be.
Q Is your name on the roll of 1880? A. I dont know as it is.
Q Who do you want to have enrolled? A. Just my family.
Q How much family have you? A. Four.
Q Four what, children? A. Yes sir.
Q Have you a wife? A. Yes sir.
Q What is your wifes name? A. Gurtie.
Q How old is she? A. 26.
Q Is she a Cherokee Freedman? A. Yes sir her mother belonged to the Cherokees.
Q Is your wifes name on the roll of 1880? A. No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. On the Wallace and Kerns rolls.
Q Is your wife on any of the rolls? A. I think she is on the Wallace.
Q What are the names of your children? A. Jordan.
Q How old? A. 8.
Q Next? A. Perry.
Q How old? A. 6.
Q Next? A. Mable.
Q How old? A. 3.
Q Next? A. Golatha.
Q How old? A. One year.
Q What is your fathers name? A. Nelson Martin.
Q Is he living? A. No sir.
Q Is his name on the roll of 1880? A. No sir I think not.
Q What is your mother's name? A. Henny Martin.
Q Is she living? A. No sir.
Q Is her name on the roll of 1880? A. No sir.
Q What is your wife's father's name? A. Penn Majors.
Q What is your wife's mother's name? A. Phyllis Majors.
Q Is her name on the roll of 1880? A. I don't know as it was.
Q Was your father a slave? A. Yes sir.
Q To whom did he belong? A. To Joe Martin.
Q Was Joe Martin a Cherokee citizen? A. Yes sir.
Q Was your mother a slave? A. Yes sir.
Q Who did she belong to? A. Joe Martin.
Q Was this Joe Martin a Cherokee citizen by blood? A. Yes sir.
Q Where was your father and mother taken to out of the Cherokee Nation during the war? A. I don't know.
Q What proof have you that your father and mother are citizens? A. I has my witnesses.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as fol lows: Page 127, No. 3166, Harvey Martin, Saline district.

Q Did you draw Cherokee Strip money for your wife? A. No sir but I drawed for my boy Jordan.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant' sone identified thereon as follows Page 127, No. 3175, Jordan Martin, Saline district.

Q Where were you born? A. Over on grand river.
Q In the Cherokee Nation? A. Yes sir.
Q Always lived in the Cherokee Nation? A. Always lived here.
Q Living here now are you? A. Yes sir.

ANDERSON LYNCH, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant: (Examined by Com'r Needles).

Q What is your name? A. Anderson Lynch.
Q How old are you? A. 64.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q As a Cherokee Freedman? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q Did you know his father? A Yes sir.
Q What was his father's name? A. Nelson Martin.
Q Did you know his mother? A. Yes sir.
Q What was her name? A. Henny Martin.
Q Is she living? A. No sir.
Q Was Nelson Martin a slave? A. Yes sir.
Q To whom did he belong? A. Joe Martin.
Q Was he a Cherokee citizen by blood? A. He was.
Q Was Nelson Martin taken out of the Cherokee Nation during the war
A Yes sir.
Q Where to? A. Kansas.
Q When did he return to the Cherokee Nation from Kansas after the war? A He came to my place in '66.
Q Was you living there when---came to where you was living in 1866?
A Yes sir, in the fall of '66.
Q Did he remain in the Cherokee Nation after that till he died? A. Yes sir.
Q Was his wife Henny with him when he came to your place? A. Yes sir.
Q Had she been a slave before the war? A. Yes sir.
Q Who did she belong to? A. To the same man.
Q Joe Martin? A. Yes sir.
Q Nelson and Henny Martin were this applicant's father and mother?
A Yes sir.
Q And they came back to the Cherokee Nation in 1866? A Yes sir.
Q And lived here after that until they died? A. Yes sir.
Q Do you know Harvey Martin to be their child? A Yes sir.
Q Did you know his wife's father and mother--his wife Gurtie?
A. Her mother was named Phyllis Majors, yes sir I knowed her, but I dont know who her father was.
Q His wife is name Gurtie and her mother was named Phyllis Majors?
A Yes sir, she is dead, Gurtie's mother.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. I don't know the name.
Q Do you know where she was in '66? A. No sir.
By L.B.Bell, Cherokee Representative.
Q What place were you living on in '66? A The Charles Landrum place on this side of the river.
Q How long did you live there? A That winter and the next year I crossed the river and went on the Lynch place.
Q When did you get back here? A. I came back in '66.
Q Did you see Lon Lynch in '66? Do you Know him? A I know him, yes sir, I rented a place from him.
Q You saw him in '66 did you? A I think I saw Him in '66.
Q You must have seenhim if you rented a place from him? A Yes sir.
Q What time in that year did you rent that place from him? A. It was

in the Spring like.
Q You say Nelson Martin come to your place? A Yes sir.
Q When? A In the fall of '66.
Q Well what part of the fall, there is three months of fall, was it the middle or early or late in the fall? A Frost was falling when he come down.
Q Did he settle there? A He never settle right away, he rented.
Q Where did he rent? A He rented a place from me.
Q Where was that place he rented from you? A On the old Harrison place
Q In Saline district? A Yes sir.
Q The other side of the river? A Yes sir.
Q That was in the year 1867? A It must have been along there.
Q Then what became of him? A Then he moved from there and went and made a place where the Scrapers are living, there he got a place from Watt Johnson.
Q How far was that from where you were living? A About four miles.
Q Was that on Lynch's prairie? A Yes sir, near there.
Q Where did you make a crop in '67? A I didn't make a crop that year at all, I rented it to old man Nelson Martin.
Q Do you recollect when you moved from the Landrum place to the Harrison place? A Must have been in '67 I don't know just exactly what month it was as I never kept no track of it.
Q You cant recollect when you crossed the river? A It was the next year after I saw Nelson Martin.
Q Well if you saw him in 66 that would be in 67 wouldn't it? A Yes sir.
Q And you say you moved from the Landrum place to the Lynch place after you had rented the Harrison place to Nelson Martin? A Yes sir.
Q When was that? A The following year after he come there--he come that late fall or winter and staid with me and camped out and then he made a crop the next year.
Q You are certain that Nelson Martin make a crop on the old Harrison place in the year 1867? A Yes sir as near as I can reason it out.
Q Do you think he brought his family with him when he come to your house? A Yes sir.

FILMORE HICKS, called and sworn as a witness by Commissioner T. B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Filmore Hicks.
Q What is your age? A 53
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Harvey Martin? A Yes sir.
Q Did you know his father? A Yes sir.
Q What was his name? A Nelson Martin.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Joe Martin.
Q Was Nelson Martin taken out of the Cherokee Nation during the war? A Yes sir, he was away.
Q When did you first see Nelson Martin after the close of the war? A My first recolletion of seeing him after the war was at Chap Lynch's place- on the old Landrum place.
Q In the Cherokee Nation? A Yes sir.
Q Was this applicant here, his son? A Yes sir.

By L. B. Bell:

Q Where did Nelson Martin settle first after you saw him that first time? A My recollection is that he settled at the old Harrison place,

that is, made a crop there.
Q Then you don't know for a certainty hat he did make a crop there?
A I am not certain that he did, seems to me that he did, I won't be positive; I know that I saw him there at Crap Lynche's, but I did not examine about the crop.
Q Do you know anything about Nels. Martin's family in 1866? A He was the only one that I saw.
Q When did you first see Nels. Martin's family in the Cherokee Nation after '66 or including it? A I saw him at the Harrison place, at Crap's
Q That was in '67 wasn't it? A I think it was the next year after I had seen Nelson the first time.
Q You stated that they rented a place, or made a crop, as far as you know in '67? A Yes sir.
Q In the winter of '66 when you saw Nels. Martin first you didn't see his family? A No sir.
Q Your first recollection of them was in the year following ? A Yes sir.

By Commission:

Q Did you know Harvey's mother? A Yes sir.
Q What was her name? A Henny
Q Was she a slave? A Yes sir.
Q Was she with Nelson Martin when you saw him in '66? A I didn't see the family them, just saw him.
Q Do you know Harvey's wife? A No sir I dont.
Q You are positive that you saw Nelson Martin here in '66? A Yes sir.
Q Was his family with him? A I didn't see them.

APPLICANT re-called, examined by Commissioner:

Q When did you father die? A Last February a year ago.
Q When did your wife's mother die? A She has been dead a long time.
Q You dont know why your father's name was not on the roll of 1880?
A No sir I dont.

By Com'r Needles,-

Harvey Martin applies for the enrollment of himself, his wife Gurtie, and four children, Jordan, Perry, Mable and Golatha; his name and the name of his wife cannot be found upon the authenticated roll of 1880; he is identified on the Kerns-Clifton pay roll, and his oldest son, Jordan is also identified on the Kerns Clifton roll. The name of his wife cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, from the information given by the applicant. They make satisfactory proof as to residence. Consequently the said Harvey Martin, and his wife, Gurtie, and their four children, Jordan, Perry, Mable and Golatha, will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting the further consideration of the Commission. It will be necessary for him to file with this Commission satisfactory proof of the birth of his three youngest children, Perry, Mable and Golatha they not having been identified upon any of the rolls. When the Commission arrives at a decision as to the rights of the said Harvey Martin, his wife and children, he will be notified by mail at his post office address.

* * * \

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise

Subscribed and sworn to before me this 17th of May, 1901, at Vinita, I.T

(signed) C. R. Breckinridge
Commissioner.

# # # #

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 15th 1901

In the matter of the application of Curtie Martin for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Curtie Martin.
Q What is your age? A. 36.
Q What is your post office address? A. Adair.
Q What district do you live in? A. Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself my husband enrolled for the children.
Q What is your fathers name? A. Pen Majors.
Q Is he living? A. No sir.
Q What is your mothers name? A. Phyllis Majors.
Q Is she living? A. No sir.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any of the rolls of the Cherokee Nation? A. Yes sir on the Wallace roll
Q Where were you born? A. In the Cherokee Nation.
Q Have you always lived in the CherokeeNation? A. Yes sir.
Q What is your husbands name? A. Harvey Martin.
Q Was your father a slave? A. I dont know sir he died when I was little.
Q Was your mother a slave? A. I heard them say that she belonged to the Butlers——Jim Butler.

SIMON LYNCH called and sworn as a witness by Com'r Needles, testified as follows for the applicant—

Q What is your name? A. Simon Lynch
Q How old are you? A. 70
Q What is your post office address? A. Spavinaw.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know the applicant, Curtie Martin? A. I knowed her Grannie
Q Did you know her mother? A. Yes sir.
Q Did you know her father? A. No sir.
Q Was her mother a slave? A. Yes sir.
Q Who did she belong to? A. Mrs Butler.
Q Was she a Cherokee citizen? A. Yes sir.
Q Was her mother taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Kansas.
Q When did she come back to the Cherokee Nation after the war? A. I dont know.
Q Where was Curtie Martin born? A. I dont know.
Q You dont know whether her mother was entitled to citizenship or not? A. I do not.
Q Did you ever see her after the war? A. No sir.

[illegible]

[illegible] Butler did she belong to? A. Jim.
Q Is that Jo[illegible] Thompson's brother in law? A. Yes sir.
Q Don't you remember that he sold her? A. No sir I dont know what they done with her.

By Comr. Needles,—

Curtie Martin applies for enrollment as a Cherokee Freedman; she avers that she is the wife of Harvey Martin, and that her mother was Phyllis Majors, who she avers was a slave of a Cherokee citizen. Her name cannot be found on any of the rolls of the Cherokee Nation. She makes satisfactory proof as to residence, but makes not proof at all as to citizenship. She will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission. When the Commission arrives at a decission in her case she will be notified by mail.

All the rolls of the Cherokee Nation in the possession of the Commission examined and he name of the applicant not found.

* * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, ~~xxxxx~~ he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 30th of May, 1901 at Vinita, I. T.

Commissioner.

ORIGINAL
NOT AVAILABLE COPY

RECEIVED
NOV 1901

File with Harvey Martin, C. F. D-280, Hx

SUPPLEMENTAL: C.F. D-197, Jennie Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 2, 1901.

In the matter of the application of Jennie Martin for enrollment as a Cherokee Freedman.

TESTIMONY ON PART OF THE CHEROKEE NATION.

Appearances:
J.F.Faulds, Esq., Attorney for the applicant;
J.S.Davenport, Esq., of Attorneys for the Cherokee Nation.

Commissioner Breckinridge: The record shows that notice of the taking of testimony was delivered to the applicant on the 25th day of September, 1901, testimony to be taken this day at Vinita; notice delivered by John Parks, Marshal of the Cherokee Nation.

G W. CLARK, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A G.W.Clark.
Q How old are you? A I am 58 years old, going on 59.
Q What is your post-office address? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.

BY MR. DAVENPORT:

Q Where were you living at the breaking out of the war, Judge? A On Grand river; I was mustered out of the service on the last day of May, '65, and come there and was married there on the 8th day of June, and remained there ever since.
Q Did you know Uncle Joe Martin before the war? A Yes sir. And I lived neighbor to him after the war.
Q Did you know a slave, Nelse Martin, that belonged to him? A Yes sir.
Q You know whether or not he went out of the Nation during the war? A Yes sir, he went North during the war, refugeed with the balance of the people and went to Kansas.
Q Did you see Nelse Martin after the war? A Yes sir, he went back in the neighborhood where I settled sometime after the war.
Q Did he carry his family when he went out during the war, or did he have a family? A Yes sir, I think his whole family went with him.
Q How when did he come back? A He moved back in the spring of '68; I think he come down on a visit in the fall of '67 and then he moved back in '68.
Q Did you learn from a conversation with him what place he went during the war, whether he went to Kansas, Missouri or where? A He was in Kansas.
Q And he moved his family back in the spring of '68? A Yes sir.
Q Did you know the names of any of his family? A I guess I remember the names of most of them; he had a large family.
Q Did he have a girl named Jennie? A Yes sir, she married a fellow named Fred Martin; he used to belong to Joe Martin; he is a young black fellow, no he is not so young now.
Q Did he have a son named Harvey? A Yes sir, he had one named Harve, but there's several before him.

BY COMM'R BRECKINRIDGE:

Q Where did you say you new Nelson Martin? A He moved right back there in the neighborhood.
Q Did you know him before the war? A Yes sir, I had seen him before the war.

Q Who did he belong to? A He belonged to old Uncle Joe Martin; he had him from the old Aunt Lucy Martin Homestead.
Q Where did you see Nelson Martin during the war? A I didn't see him during the war, he went to Kansas.
Q Where were you during the war? A I was in the Northern Army.
Q Were you in the Territory here? A Yes sir all the time, we were stationed there at Fort Gibson about two years after we got in there; we refugeed back south in the States of Arkansas and Missouri down in there and then we come to Gibson in the spring and were stationed there practically all the time until I was mustered out there last day of May, '65.
Q Your old home, how far was that from Gibson? A About 18 miles from Gibson.
Q Did Nelson Martin live near you? A No sir, he lived up on the river near where I live now.
Q You were ~~mustered out at Gibson~~ mustered out at Gibson? A Yes sir on the last day of May, '65.
Q And the first time you saw Nelson Martin after the war was in the spring of '68? A I think he came down on a visit in the fall of '67, and then he moved in the spring of '68.
Q Where were you living in the spring of '68? A I was living on what is known as the Six Mile Bottom on Grand river, about 4 or 5 miles from where he settled whenhe come back, he settled on the place below there about 4 or 5 miles on the river.
Q How do you know he came back from Kansas when you saw him in the spring of '68? A He moved back here with ~~the~~ a couple of bay ponies and he come over there to do some work for me, he was running out of provisions, and he worked ~~for~~ off and on for me for years and years.
Q How do you know he just come back from Kansas? A He saidhe came back from Kansas, he said he lived in Kansas and went on and told me what he was doing up there.
Q He said he just come back? A Yes sir, well I believe I saw him when he first come back, I know I did, there was 3 or 4 of them together.
Q Who was with him? A There was an old colored man that used to belong to old Joe Lynch, called him Steve Lynch.
Q He was with him? A Yes sir.
Q Is he living now? A No sir, he is dead, and Nelson is dead too.
Q Nelson had a son named Fred? A No sir, son-in-law.
Q Jennie Martin, was she his daughter? A Yes sir, she married this Fred Martin.
Q Married a man of the same name? A Yes sir, but they belonged to the same man, but they wasn't no kin; this old uncle Fred Martin, this Fred Martin's father, his name was Fred too, and he belonged to Uncle Joe Martin and Jennie did too; Jennie was old Nelson Martin's daughter and Fred was Fred Martin's son.
Q How old was Jennie when you saw her father Nelson in the spring of '68? A She was young then, just a chunk of a girl like.
Q What was before her marriage? A Yes sir.
Q Nelson yousay is dead? A Yes sir.
Q Did he continue to live in the Cherokee Nation from '68? A Yes sir he continued to live right close to me, not a quarter from my fence.
Q How long has Nelson been dead? A I think about 2 years ago this spring.
Q And Jennie came back with him? A Yes sir, she moved back with him.
Q Had quite a large family? A Yes sir, quite a bunch of children that was under age, and then he had one John, I think he came afterwards, but he got into a fighting scrape and was killed in the neighborhood there.

Q Was this Jennie lived in the neighborhood ever since she came here? A Yes sir, I think so, and her family has lived right there in the neighborhood near me.

R. L. MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name, please? A R. L. Martin.
Q How old are you? A Going on 54.
Q What is your post office? A Pensacola
Q How long have you lived in the Cherokee Nation? A All my life.
BY MR. DAVENPORT:
Q Your father was named Joe Martin was he Mr. Martin? A Yes sir
Q Do you know whether or not your father owner a slave at the breaking out of the war named Nelson Martin? A Yes, he did.
Q Were you old enough to remember him then? A Oh yes.
Q You know whether or not Nelson Martin, together with his family, left the Cherokee Nation during the war? A Yes, they left.
Q Did your father leave the Nation during the war? A Yes, he went South.
Q Well then did you and your father return to the Cherokee Nation after the war, or did you return? A He come back in November, '66, and I come with him.
Q Did you ever see Nelson Martin after the war, or any of his family A Yes.
Q When did you see them with reference to the time you returned after the war? A As well as I can remember it was in '67, they came back in a visit.
Q It was after you and your father returned from Texas was it? A Yes, the next year.
Q Did he come with him at that time? A No, he didn't come with him.
Q Did his family come with them? A Yes, the next year as I remember he came down to move down.
Q When he came down on a visit, what, if anything, was said in his talk as to where he came from when he came there? A He came from Kansas, he said.
Q Did he come down again did he? A Yes sir.
Q Did he then bring his family? A Moved down after that; I don't know how soon or how long as well as I can remember it was some time during after that.
Q Do you remember the names of any of the members of his family? A Yes sir, I remember a good many of them
Q Can you name any of them? A Yes sir, I can name Art and Harvey and Isaac.
Q Do you know whether or not he had a daughter Jennie? A Jennie and I don't know whether or not she had a daughter. All I remember that's living I believe that's all.
Q Nelson Martin is dead now himself, is he? A Yes sir.
Q Do you know any one who came down with him when he moved his family Mr. Martin? A No, I didn't see them.
BY COMR BRECKINRIDGE:
Q You say Nelson Martin belonged to your father? A Yes sir.
Q Where did Nelson go during the war? A He went to Texas.
Q When wasit you first saw him after the war? A As well as I can remember it was in the spring of '67.
Q Do you fix it in your mind as being in the spring of 1867 we [illegible] in November '66, and as well as I can remember the next summer after he got here.
Q Well do you know when he had come to the Nation? A [illegible]
Q Was it the spring of '67 in the Cherokee Nation?
Q Was it later, in the spring of '67 in the Cherokee Nation?
A He came to our house.

Q Do you know how long before that he had come back from Kansas?
A No I don't know only he said he had just come back then; come down to see us.
Q He said he had just come back? A Yes sir.
Q Do you know whether or not his family had come back with him?
A No, I don't think they did; he hadn't moved.
Q Do you know whenhis family did come? A My understanding was they came the next spring after that.
Q You don't know that of your own knowledgehowever? A I didn't see him, I didn't see him move.
Q When was it you first saw his daughter, Jennie, after the war?
A Well I don't remember at all when I first took particular notice of her; I saw the family around there, I didn't go over there very often.
Q Now this daughter Jennie, has she been living in the Cherokee Nation ever since you first saw her after the war? A Yes sir, I think she has, all I know about it.

WALTER A. WEST, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Walter A. West.
Q How old are you? A 60 years.
Q What is your post-office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A 60 years, little over.
Q All your life? A Yes sir.
BY MR. DAVENPORT:
Q Didyou know Joe Martin, prior to the war, Mr. West? A Yes sir.
Q Did you know a slave that he owned by the name of Nelson Martin?
A [illegible]
Q [illegible] whether or not Nelson left the country during the war?
A [illegible] did; he came down from Kansas before the war.
Q [illegible] year did he come from Kansas, if you know, after the war? A [illegible] 68, last of my information and knowledge.
Q [illegible] living or dead now. A He is dead.
Q [illegible] family? A Yes sir.
Q Did you know any of the members of his family? A I know them all, but I don't know as I know the names of all of them.
Q Do you know the names of any of them? A John Nelson was one, and he had one named Arthur Nelson.
Q Arthur Nelson Martin? A Martin, and there was a girl I think, it seems to me like it was Jane, I aint certain, and then there's one lives on Rock Creek his name is, I don't remember now what it is, but I know it when I hear it.
Q Harvey? A Yes sir, Harvey!
Q Did you leave the Nation during the war? A Yes sir.
Q When did you return after the war? A I returned in February, '66.
Q How long had you been back before Nelson Martin came? A Well I came back in '66 and he got back here in '6[illegible]
MR BRECKINRIDGE:
Q When fixsit in your mind that you first saw Nelson Martin in '68?
A We had come down here in '68, that is I saw him not exactly in '68 either, but the latter part of, fall of '69 when I saw him personally
Q Well [illegible] you to believe that he was here in the spring of '68? A Well this man Steve Lynch and Steve Henry, he went by two names. I met him in '68, I think in February or March [illegible] what month over there on the old Lynch farm; [illegible] there pretty early and he come out and several others, and he [illegible] to me, and said he had just got back I said who come with [illegible] he said Uncle Nelson and George Bryan. and I never saw

Jennie Martin (sup'l) 3

Nelson that morning, but I saw him later on that fall; '68 instead of '69.
Q What was Steve Lynch doing there? A He had just got in, he said, the evening before. He said I come yesterday evening was the remark, and I asked him the question who come with him, and he said George Bryan and Uncle Nelson and that 's all I know about it then at that time, but I saw themlater on; they both li ed right in my neighborhood after that.
Q D you know wherther any membersof Nelson Martin's family were with him at that time, A No sir; I suppose they were with him, I never asked any questions about whether they were with him.
Q You didn't see any of them at that time? A Not that morning. I saw them later on; none but Uncle Steve; that's all.

Commissioner Breckinridge: This will be filed as supplemental testimony in Cherokee Freedmen Doubtful Cases 197, 280, 724, 285, 286, 281 and 297.

--**--

N.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

N D Green

Subscribed and sworn to before me this November 7th, 1901.

Commissioner

NOTARY PUBLIC.

My commission expires on the day of June, 1902.

Subscribed and sworn to before me this 18th day of June, 1902.

Commissioner Tarsney and Commissioner Bruce at Muskogee, Indian Territory, on the 18th day of June, 1902, before the Commission to the Five Civilized Tribes, the following proceedings were had:

The application of Lucinda Tiger, minor child of Bruce Tiger, deceased, for the enrollment of her said father as a citizen by blood of the Muscogee Nation, being called for hearing, the applicant appeared by her attorney, Mr. Frank Hagerman, and the Muscogee Nation by Mr. Thos. B. Ryan, Attorney, and the following testimony was taken and proceedings had:

Testimony of Lucinda Tiger, being duly sworn, testified as follows:

Examined by Mr. Ryan:

Q. What is your name? A. Lucinda Tiger.

Q. How old are you? A. I am 20 years old.

Q. Are you married? A. No, sir.

Q. Are you living with your father? A. Yes, sir.

Q. Where was your father born? A. In the Creek Nation.

Q. Was your father living in the Creek Nation in 1867? A. I don't know.

Q. Was your father living in the Creek Nation in 1871? A. I don't know.

Q. Was your father living in the Creek Nation in 1874? A. I don't know.

Q. Was your father living in the Creek Nation in 1880? A. I don't know.

Q. Was your father living in the Creek Nation in 1882? A. I don't know.

Q. Was your father living in the Creek Nation in 1883? A. I don't know.

Q. Was your father living in the Creek Nation in 1885? A. I don't know.

Q. Was your father living in the Creek Nation in 1886? A. I don't know.

Q. Was your father living in the Creek Nation in 1887? A. I don't know.

Q. Was your father living in the Creek Nation in

Freed D-280.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Harvey Martin for the enrollment of himself as a Cherokee freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W.W. Hastings.

W. W. Hastings: The Cherokee Nation offers in evidence a judgment of the Supreme Court of the Cherokee Nation in 1871 as found in a book taken from the records of the Executive Department of the Cherokee Nation, entitled: "Docket of Doubtful cases for Cherokee citizenship tried in 1871 as follows: No. 70, Nelson Martin and family, decided against June 8, 1871."

Lewis T. Brown: Applicant objects to the introduction of this record for the reason that first, it is not proven that either the applicant or his father ever applied to that court for admission to citizenship and for the further reason that it is not shown that the Nelson Martin referred to in that judgment is [redacted] in any way related to the applicant.

Commission: The same will be filed and taken for what it is worth.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

F. G. Rothwell

Subscribed and sworn to before me this 16th day of June, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jennie Martin et al., as Cherokee Freedmen, consolidating the applications of:

Jennie Martin	Cherokee Freedmen D 197
Harvey Martin et al	Cherokee Freedmen D 280
Arthur Martin	Cherokee Freedmen D 281
Harvey Martin	Cherokee Freedmen D 81
Isabella Brown et al	Cherokee Freedmen D 285
Rachel Todd et al	Cherokee Freedmen D 286
Richard Brown et al	Cherokee Freedmen D 291
Joe Martin	Cherokee Freedmen D 294
George Brown	Cherokee Freedmen D 297

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission by Fred Martin for his wife, Jennie Martin, among others, the other parties to said application being differently classified, are not embraced in this decision; by Harvey Martin for himself and minor children, Jordan, Perry, Mabel and Galatha Martin; that subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Grover C. Martin; said application also included Gertie Martin, wife of said Harvey Martin, but as her name is not found upon any of the rolls of the Cherokee Nation at this time, she is not embraced in this decision; by Arthur Martin for himself and minor child, Harvey Martin; by Isabella Brown for herself and minor children, Warren, Lucinda, Dovie, Cap and Alfred Brown; by Rachel Todd for herself and minor children, Henrietta, Louisa, Minnie, Julia, Viola and Opelia Todd; by Richard Brown for himself and minor children, Essie and Isabel Brown; that subsequent to the date of the original application, a birth affidavit which is made a part of the record herein, was filed with the Commission showing the birth of Mary Brown; by Joe Martin for himself and by George Brown for himself.

The evidence shows that all the applicants herein, except Jennie Martin, were born since the commencement of the rebellion; that all of said applicants are the descendants of one Nelson Martin and his wife, Henny Martin; and that all, except Jennie Martin and Joe Martin, base their rights solely upon the rights of said Nelson Martin and wife, Henny Martin.

The evidence further shows that Nelson Martin, his wife, Henny Martin, and daughter, Jennie Martin, were slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken to

Kansas during the rebellion and did not return to and establish their residence in the Cherokee Nation until after the time specified, in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs Cherokee Nation, et al., for the return of Freedmen to the Cherokee Nation.

The evidence further shows that Joe Martin is the son of Martha Martin, nee Vann, who was the slave of a Cherokee citizen at the commencement of the rebellion; that Martha Martin was taken out of the Cherokee Nation during said rebellion, but returned thereto in the fall of 1866; and that the said Joe Martin has resided in said nation all his life.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jennie Martin, Harvey Martin, son of Nelson Martin, Jordan Martin, Perry Martin, Mabel Martin, Galatha Martin, Grover C. Martin, Arthur Martin, Harvey Martin, son of Arthur Martin, Isabella Brown, Warren Brown, Lucinda Brown, Dovie Brown, Cam Brown, Alfred Brown, Rachel Todd, Henrietta Todd, Louisa Todd, Minnie Todd, Julia Todd, Viola Todd, Opelia Todd, Richard Brown, Essie Brown, Isabel Brown, Mary Brown and George Brown, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that Joe Martin should be enrolled as a Cherokee Freedman, in accordance with the provisions of said section twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman.

T. E.

Commissioner.

C.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this TAR

Cherokee Freedman D 280

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Curtie Martin as a Cherokee Freedman.

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That on May 15, 1901 Curtie Martin appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and made application for enrollment as a Cherokee freedman.

The record further shows that ample opportunity has been afforded the applicant in which to establish by satisfactory evidence her right to Cherokee freedman citizenship, if any she has, but in this she has entirely failed, hence, it is considered that her application comes within the ruling of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-04), William Rector (I.T.D. 1466-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Moses Ross (I.T.D. 6056-04), Jane Looney et al. (I.T.D 6.10, 12688-04) Florence Bratcher (I.T.D. 12692-04) and Mary Gunter, et al. (I.T.D. 7746-05).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Curtie Martin is not entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this _____ 1905

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INDEXED
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
JUL 27 1906

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Gertie Martin as a Cherokee freedman, F. D. 260.

Reply of the Cherokee Nation.

The record in this case shows that Harvey Martin appeared before the Commission to the Five Civilized Tribes on May 16, 1901, and made application for the enrollment of himself and his wife, Gertie Martin, as freedmen citizens of the Cherokee Nation. He testifies that the name of his wife's father was Penn Majors, that of his wife's mother Phyllis Majors. The record in this case shows also that the applicant was repeatedly notified to introduce such further testimony as he might desire with reference to his wife's citizenship, and the case was continued from time to time on the docket until a decision was prepared on December 27, 1905, rejecting the applicants in which the the following language is used:

"The record further shows that ample opportunity has been afforded the applicant in which to establish by satisfactory evidence her right to Cherokee freedmen citizenship if any she has, but in this case she has entirely failed; hence it is considered that her application comes within the ruling of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-1904), William Rector (I.T.D. 1468-1904), Minnie Duncan, et al.(I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Ed Williams (I.T.D. 4230-1904), Moses Ross (I.T.D. 6056-1904), Jane Looney, et al.(I.T.D. 6410, 12688-1904), Florence Bratcher (I.T.D. 12692-1904)and Mary Gunter, et al. (I.T.D. 7746-1905)."

The Department concurred in the recommendation of the commissioner of Indian Affairs and affirmed the decision of the Commissioner to the Five Civilized Tribes rejecting the applicant. The letter of the Commissioner of Indian Affairs of date May 16, 1906, recites:

"The record shows that after ample opportunity the applicant has failed to establish by satisfactory evidence her right to citizenship in the Cherokee Nation, and her name is not identified on any roll of the Cherokee Nation," and for this reason recommended the approval of the decision of the Commissioner to the Five Civilized Tribes rejecting the applicants. The motion for a rehearing filed herein really gives no reason why the case should be reopened. It does not state why advantage was not taken of the ample opportunity afforded the applicants to introduce testimony. Attached to the motion is an affidavit signed by Nelson

Thompson, but a careful examination of the affidavit shows that he states nothing. He states who the father and mother were of Gertie Martin, but that is stated in the testimony, and that is all that the affidavit of Nelson Thompson states, except that it does state that some of her relatives are identified upon the 1880 roll, yet every relative that she had might have been identified on the 1880 roll and yet the name of the mother of the applicant might not be there and might not be entitled to be there. Because they were brothers and sisters does not signify that they returned to the Cherokee Nation in time. The question of blood is not the question involved, but the question of complying with the treaty of 1866 is the question.

Attorneys for the applicant state that they are going to get some more affidavits. Now, the Department has decided in the Celia Kirkpatrick case (I.T.D. 7744 and 7514-1904) as follows:

"The Department does not feel warranted in remanding the case upon the motion of said attorneys unsupported by the affidavits of the witnesses whose testimony they desire to introduce."

Can it be said that the Department will lay down the rule that a motion supported by an immaterial affidavit only will be allowed upon the promise that material testimony will be gotten? We think certainly that the Department will follow its ruling in the Celia Kirkpatrick case as above quoted from. If this motion is made in good faith, if the witnesses whose names are given intend to speak the truth, if it really be true that the applicant is entitled to be enrolled, attorneys for the applicant need not be afraid of an investigation of the truth. For more than four years and a half the office of the Commission to the Five Civilized Tribes was open and this applicant was warned and notified time and again to introduce testimony in her behalf. As observed in the decision of the Commissioner to the Five Civilized Tribes and noted in the recommendation of the Commissioner of Indian Affairs ample opportunity was afforded this applicant. The affidavit attached is entirely insufficient and we s built that the Act of Congress, Section 1, of the Act of April 26, 1906 (Public 129) was for the purpose of attempting to end this citizenship investigation in the Cherokee Nation and it required motions for

review to be filed within sixty days after the decision sought to be re-heard or reviewed. Congress has spent a great amount of money in a attempt to have the roll of the five civilized tribes completed. Ample opportunity has been given all applicants, and it was not the intention of Congress to permit attorneys to file in "holding motions" with a promise to afterwards secure testimony to back them up, but the motions should be bona fide and state sufficient facts within themselves standing alone to entitle them to favorable consideration on behalf of the Department and not a promise that future testimony would be secured. Future testimony was promised in the Celia Kirkpatrick case, [illegible] Department in effect said that if a motion were made in good faith it should be supported by affidavits then and that the unsupported motion would not be considered.

We submit as was stated in the decision and by the Department affirming the decision of the Commissioner to the five civilized tribes that ample opportunity was afforded the applicant and that satisfactory testimony was not presented and we further submit that the motion does not state facts sufficient to warrant favorable consideration and it should [illegible] be denied.

Respectfully submitted,

[illegible] Nation.

STARR & PATTEN,

ATTORNEYS FOR APPLICANT,

VINITA, I. T.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gurtie Martin as a Cherokee Freedman, F. D. 280.

MOTION FOR REHEARING.

Comes now the applicant, Gurtie Martin, and moves the Honorable Secretary of the Interior to remand her case to the Honorable Commissioner to the Five Civilized Tribes and grant her a rehearing and give her an opportunity to prove that her mother's name was Phillis Johnson, who was the wife of Dave Johnson, and whose maiden name was Phillis Thompson; that her said mother, Phillis Thompson, was the slave of a Cherokee citizen at the commencement of the war of the rebellion and that she returned to the Cherokee Nation and established her residence therein prior to February 11, 1867.

There is hereto attached, in support of this Motion, the affidavit of her Uncle, Nelson Thompson, whose name appears upon the 1880 roll. In addition to the said Nelson Thompson the applicant expects to prove the statements she makes herein by John Melton, Martha Reynolds, and Sabina Youngblood, each of whom will testify that the Mother of this applicant was named Phillis Thompson; that she was the slave of a Cherokee Citizen at the commencement of the war of the rebellion and that she returned to the Cherokee Nation and established her residence therein prior to February 11, 1867.

RESPECTFULLY,

[signature]

ATTORNEYS FOR APPLICANT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (SS.
NORTHERN DISTRICT)

J. C. SWAIN, of lawful age, being first duly sworn, on his oath deposes and says that he is one of the Attorneys for applicant in the above entitled case and that this Motion is made in good faith, not for the purposes of delay, but in order that justice might be done.

Copy

[signature]

Subscribed and sworn to before me this 17th day of July, A.D., 1906.

My Com. Ex.

[signature]

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

July 18, 1906

Commissioner

F. D. _____

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON.

In the matter of the application for the enrollment of Gertie Martin as a Cherokee Freedman.

United States of America,
Indian Territory
Northern District SS

Nelson Thompson of lawful age being duly sworn on his oath deposes and says:

"My Name is Nelson Thompson; my post office is Spavinaw I. T. and my age is Forty-Seven years; I am a Cherokee Freedman duly and lawfully enrolled as such and my name appears upon the 1880 roll of the Cherokee Nation. I am acquainted with the applicant Gertie Martin all of her life; her mother's name was Phyllis Johnson, the wife of Dave Johnson; she was formerly the wife of a man by the name of Majors and her maiden name was Phyllis Thompson.

The mother of Gertie Martin's maiden name of Phyllis Thompson and she was my sister. The said Phyllis Thompson has one brother who is the affiant and a sister whose name is Martha Runnels and the said Martha Runnels is duly identified on the 1880 roll of Cherokee Freedmen

NELSON THOMPSON

Subscribed and sworn to before me this 23rd day of February 1906.

F. M. Briscoe,

Notary Public.

(SEAL)

My Commission expires June 24, 1908.

STATE OF KANSAS,

COUNTY OF LABETTE. SS.

On this 11th day of September, 1906 personally appeared before me the undersigned Notary Public within and for Labette County Kansas, Blue Thompson of lawful age and to me presonally well known and who being duly sworn on his oath deposes and says:

"My name is Blue Thompson. My age will be fifty-six years on December 25th 1906. I have received my allotment of land in the Cherokee Nation as a citizen thereof ."

"During the Civil war I went ~~otx~~ to the Chickasaw Nation of the Indian Territory and in the fall of 1865 I came to Fort Smith Arkansas and remained there for awhile and some time between Christmas of 1865 and the first of March, 1866 I moved into Sequoyah District of the Cherokee Nation, Indian Territory across the Arkansas River in the Cherokee Nation where I remained for two or three years making my home with Uncle John Melton."

"I am acquainted with the applicant, Gurtie Martin and knew her mother, Phyllis Johnson whose maiden name was Phyllis Thompson. The said Phyllis Johnson was a slave of a Cherokee citizen at the commencement of the Civil war, and after the war closed I saw her in the Cherokee Nation. I saw Phyllis Thompson in the Cherokee Nationabout Christmas of 1866. I am not of kin to the applicant, and have no interest in this case.

Blue Thompson

Subscribed and sworn to before me this 11th day of September, 1906.

(SEAL)

A. R. Bell
Notary Public.

My Com Ex 10/ 10/ 07.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT SS.

Sabina Youngblood of lawful age being duly sworn on her oath deposes and says:

"My name is Sabina Youngblood, my age is 63 years and my post office is Roland, Indian Territory. I was acquainted with Phillis Johnson up until 1862. Her maiden name was Phillis Thompson and I know that she was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and I knew her until 1862. She was a slave of Frances Butler, a sister to my mistress.

her
Sabina Youngblood
mark

Subscribed and sworn to before me this 3 day of September, 1906.

(SEAL)

H. H. Richardson
Notary Public.

his
X
mark

My commission expires
March 10, 1907.

Witness to mark.
Rudy Youngblood

COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
SEP 13 1906
Secretary

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

NORTHERN DISTRICT. SS.

John Melton of lawful age, being duly sworn on his oath deposes and says:

"My name is John Melton, my age is 69 years and my post office is Roland, Indian Territory. I was in the Cherokee Nation in 1866. I knew Phillis Johnson up until 1862. Her maiden name was Phillis Thompson. She was the slave of a Cherokee Citizen at the commencement of the war of the Rebellion, and I knew her up until 1862. She was a slave of Frances Butler, a sister of my mistress.

John Melton

Subscribed and sowrn to before me this 3 day of September, 1906.

H. H. Richardson
Notary Public.

(SEAL)

My commission expires March 10, 1907.

United States of America,
Indian territory
Northern District SS

Nelson Moore being duly sworn on his oath states:

" My name is Nelson Moore my age is Fifty-three years and my post office Ketchim I T I have lived in the Cherokee Nation since the fall of 1865. I came to grand river in the late fall of 1865 and during the early winter the pin Indians got so bad I had to Go to Fort Gibson for awhile and while down there during the winter of 1865 and while at Fort Gibson Igot acquainted with Phyllis Thompson and her mother Rosa they were then living in Fort Gibson. Phyllis was a girl then. This woman Phyllis Thompson is the mother of the applicant Gurtie Martin. Phyllis came up from Ft Gibson to the community where I lived along about the year of 1870 and lived in the country there and around Vinita later until her death. Gurtie Martin was born in the Cherokee Nation and has lived here continuously all her life.

I am not related to this applicant and have no interest in this case

Nelson Moore,

Subscribed and sworn to before me this 10th day of October 1906.

Chas. A. Davidson, Clerk
~~U S Commissioner~~

Copy.

By E. B. Davidson, Deputy.

(Seal of U S Court)

OCT 17 1906

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Gurtie Martin et al as a Cherokee Freedman.

United States of America,

Indian Territory,

Northern District SS

On this 11th day of October 1906 personally appeared before me the undersigned ~~Notary Public~~ Clerk of the United States Court, within and for the Northern District of the Indian Territory, Joe Davis of lawful age who being by me duly sworn on his oath depeses and says:

"My name is Joe Davis my age fifty-two years on my next birthday and my post office is Vinita, Indian territory. I have lived in the Cherokee Nation all of my life and during the Civil war I never left the Cherokee Nation. In the year of 1866 I was around Fort Gibson a great deal and some time before Christmas of 1866 I commenced making my home on Spring Creek on the east side of Grand river."

" While I was around Fort Gibson in the fall of 1866 I saw Phyllis Thompson quite often and I was well acquainted with her she was at that time living in the town of Fort Gibson and was there when I left Fort Gibson about the commencement of cold weather. This woman Phyllis Thompson continued to live in the Cherokee Nation after that time all of her life. Phyllis Thompson after that married a man by the name of Johnson and finally was known as Phyllis Johnson and she is the mother of the applicant Gurtie Martin."

"I am not related to either of the parties concerned in this application, that is neither the applicant nor her husband and I have no interest in this case.

(Signed) ----Joe Davis----

Subscribed and sworn to before me this 11th day of October 1906.

Chas. A. Davidson, Clerk
By E. M. Davidson, Deputy.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Harvey Martin,
Adair, I.T.
Cherokee F-D-280
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

United States of America,

Indian Territory, A F F I D A V I T.

Northern District. SS

Nelson Lowrey on oath being first duly swon says that he the ____ day of May A. D. 1902 he registered an envelope con taining a true copy of the notice heretoattached to Harvey Marlin at Adair I. T and he attaches hereto the receipt of the Post Master at Muskogee I. T. and that on the 30th day of May A D 1902 he receipt the registered return receipt duly signed showing that the notice was duly received by the said Harvey Marlin. Said registry return receipt is hereto attached.

Nelson Lowrey

Subscribed and sworn to before me this 30th day of May A. D. 1902.

J C Clark

Notary Public.

My Commission Expires May 22nd 1906.

NO. F. D. 280.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of , A. D. 190

.....

Subscribed and sworn to before me this

.....

.....
Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of 190

.....
Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190

.....
Agent for Applicant.

Reg. May 26th

JUN 4 1902

NOTICE.

In the Matter of the application of Harvey Martin
for enrollment as Cherokee citizens:

To Harvey Martin, Adair I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 31st, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this MAY 23 1902

W. W. Hastings
Jas. Davenport
B. Dell
Attorneys for the Cherokee Nation.

No. F. D. 280.

FD301

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Gertie Martin,
Adair, I. T.
Cherokee F-B-301.
Register.

AFFIDAVIT.

UNITED STATES OF AMERICA.
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Harvey Martain for enrollment as a Cherokee Freedman.

No. F. D. 280

Henry Pack of lawful age, being duly sworn on oath states that on the 10th day of September, A. D., 1901, he registered to Harvey Martain whose postoffice is Adair Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 27th day of September, 1901, he received the return card which is hereto attached, signed by the said Harvey Martain showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 27th day of Sept. A. D. 1901.

J. C. Starr
Notary Public.

NOTICE!

IN THE MATTER OF The application of Harvey Martin for enrollment as a Cherokee Freedman:

Case No. F. D. 280

To Harvey Martin

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of ***Vinita, Indian Territory,*** Indian Territory, on the following dates, to-wit: Oct. 26 at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ~~May~~ SEP 14 1901 . 1901.

T B Bell

Attorneys for the Cherokee Nation.

X

F.D. 280

TRANSMISSION TO THE ... OF THE U.S.
FILED
JUN 12 1901

NOTICE!

In the matter of the application of Harvey Martin for enrollment as a Cherokee Freedman.

Case No. D 280

To Harvey Martin Adair IT

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Chelsea Indian Territory, on the following dates, to-wit: June 12 th A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this JUN 1 day of 1901, 1901.

C. B. Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to Harvey Martin on the 7th day of June A. D. 1901.

John Parks

Subscribed and sworn to before me this JUNay 8 1901 1901.

J. C. Clark Notary Public.

VB. F.D. 281

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15, 1901

Post Office Adair, I. T.

District Cov.

1. Name Harvey Martin. Age 29

Owner's name Citizenship

Year K.C. Page 127 No. 3168 District Saline

Parents:

Father Nelson Martin - dead Citizenship Cher. Freedman

Mother Henny " dead Citizenship " "

2. Name of wife Lettie Martin Age 26

Owner's name Citizenship

Year —— Page —— No. —— District ——

Parents:

Father Perin Magers Citizenship

Mother Phillis " Citizenship

Names of Children:

		Year	Page	No.	Dist.	
3.	Jordan Martin	K.C.	127	3175	Saline	8
4.	Perry "					6
5.	Mabel "					3
6.	Galatha "					1
7.						
8.						
9.						
10.						
11.						
12.						

Application made by Mr. I Stenographer Chas. von Meise

Nos 5 and 6 Affidavit of birth required

D30

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 15 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15, 1901

Post Office Adair I.T.

District Saline

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Gertie Martin Age 26

Owner's name Citizenship

Year Page No. District

Parents:

Father Ben Magness — dead Citizenship

Mother Phillis " — dead Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by No 1 Stenographer Chas. von Weise

Cherokee Freedmen
D-197 et al.

Muskogee, Indian Territory, [illegible], 1[illegible].

W. W. [illegible],

Attorney for Intervenor [illegible],

[illegible], Indian Territory.

Dear Sir:

[illegible] inclosed a copy of the decision of the Commission to the Five Civilized Tribes, [illegible], in the controversy [illegible], wherein you ask the enrollment of Joe [illegible], and rejecting all the others applicants included therein, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission as to said Joe [illegible], copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

[illegible]

Enc. -[illegible].

[illegible] in charge.

Cherokee Freedmen
D-280.

Muskogee, Indian Territory, April 11, 1904.

Harvey Martin,

Adair, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your five minor children, Jordan, Perry, Mabel, Galatha and Grover C. Martin, as Cherokee freedmen. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register
Enc. D-22.

Cherokee Freedmen
D 197 et al.

Muskogee, Indian Territory, April 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jennie Martin et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Calatha, Grover C., Arthur and Harvey Martin, Isabella, Warren, Lucinda, Davis, Cag, Alfred, Richard, Essie, Isabel, Mary and George Brown, Rachel, Henrietta, Louisa, Minnie, Julia, Viola and Opelia Todd as Cherokee freedmen, and granting the application for the enrollment of Joe Martin as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. 1-31.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 29, 1904.

Land:

25163-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 11, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Jennie Martin for herself; by Harvey Martin for himself and minor children, Jordan, Perry, Mabel, Galatha and Grover C. Martin; by Arthur Martin for himself and minor child, Harvey Martin; by Isabella Brown for herself and minor children, Warren, Lucinda, Dovie, Gag and Alfred Brown; by Rachel Todd for herself and minor children, Henrietta, Louisa, Minnie, Julia, Viola and Ophelia Todd; by Richard Brown for himself and minor children, Essie, Isabel and Mary Brown; by Joe Martin for himself, and by George Brown for himself.

March 5, 1904, the Commission decided favorably in the case of Joe Martin and unfaverably to all the others.

The record shows that all the applicants except Jennie Martin and Isabella Brown were born since the close of the war; that all of the applicants are the descendants of one Nelson Martin and his wife, Henny Martin; that all except Jennie Martin,

Isabella Brown and Joe Martin base their rights solely upon the rights of Nelson Martin and Henny Martin, his wife. The evidence further shows that Nelson Martin, Henny Martin, his wife, and his daughters, Jennie Martin and Isabella Brown were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return and establish a residence in the Nation prior to February 11, 1867.

The evidence further shows that Joe Martin is the son of Martha Martin, born Vann, who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that Martha Brown was taken out of the Cherokee Nation during the war, but returned thereto prior to February 11, 1867, and that the said Joe Martin has resided in the Cherokee Nation all his life.

All of the applicants appear to be identified on the Kern-Clifton roll, and Richard Brown and Joe Martin are identified on the Wallace roll. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision favorable to Joe Martin and unfavorable to all the other applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner

M.M.M.
W.

(COPY)

W.C.F.
Y.P.
FHE

DEPARTMENT OF THE INTERIOR

WASHINGTON.

D. C. 45434-1904. November 22, 1904.

I. T. D. 8710-1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 11, 1904, you transmitted the record in the consolidated Cherokee freedman case of Jennie Martin, et al. (D 197 et al), including your decision of March 5, 1904, granting the application for the enrollment of Joe Martin, and rejecting all the other applicants in said case.

Reporting in the matter September 29, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

(C O P Y)

W. C. F.
Y. P.
FHR

DEPARTMENT OF THE INTERIOR,

D. C. 45434-1904. WASHINGTON. November 22, 1904.

I. T. D. 8710-1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 11, 1904, you transmitted the record in the consolidated Cherokee freedman case of Jennie Martin, et al. (D 197 et al), including your decision of March 5, 1904, granting the application for the enrollment of Joe Martin, and rejecting all the other applicants in said case.

Reporting in the matter September 29, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-280.

Muskogee, Indian Territory, December 7, 1904.

Harvey Martin,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that the Commission' decision dated March 5, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Jordan, Perry, Mabel, Galatha and Grover C. Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

Tams Bixby
Chairman.

COPY.

Cherokee Freedmen
D-197, et al.

Muskogee, Indian Territory, December 7, 1904.

Louis T. Brown,

Attorney for Jennie Martin, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Galatha, Grover C. and Arthur Martin, and Isabella, Warren, Lucinda, Dovie, Cag, Alfred and George Brown as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-197, et al.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Jennie, Harvey, Jordan, Perry, Mabel, Calatha, Grover C. and Arthur Martin; Isabella, Warren, Lucinda, Dovie, Cag, Alfred, George, Richard, Essie, Isabel and Mary Brown, and Rachel, Henrietta, Louisa, Minnie, Julia, Viola and Opelia Todd, as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 22, 1904.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

(C O P Y)

Cherokee Freedman
D 280

Muskogee, Indian Territory , January 13, 1905

Blue & Bulger,

Attorneys for Gertie Martin.

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Gertie Martin you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced relative to the rights of the said Gertie Martin to enrollment as a Cherokee Freedman.

The applicant has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, February 1, 1905, and introduce testimony in support of her said application.

Respectfully,

(Signed) TAMS BIXBY
Chairman

Register

(C O P Y)

Cherokee Freedman
D 280

Muskogee, Indian Territory , January 13, 1905

Blue & Bulger,

Attorneys for Gertie Martin.

Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Gertie Martin you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced relative to the rights of the said Gertie Martin to enrollment as a Cherokee Freedman.

The applicant has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, February 1, 1905, and introduce testimony in support of her said application.

Respectfully,

(Signed) TAMS BIXBY
Chairman

Register

(C O P Y)

Cherokee Freedman
D 280

Muskogee, Indian Territory, January 13, 1905

Gertie Martin
Adair, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in your case, it will be necessary that you introduce further testimony relative to your right to enrollment as a Cherokee Freedman.

You are , therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M. on Wednesday, February 1, 1905, and introduce testimony in support of your said application.

Respectfully,

(Signed) TAMS BIXBY
Chairman

Register .

(C O P Y)

Cherokee Freedman
D 280

Muskogee, Indian Territory, January 13, 1905

Gertie Martin

Adair, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that before the Commission can render a final decision in your case, it will be necessary that you introduce further testimony relative to your right to enrollment as a Cherokee Freedman.

You are , therefore, hereby directed to appear before the Commission at its offices in Musko ee, Indian Territory, at nine o'clock A.M. on Wednesday, February 1, 1905, and introduce testimony in support of your said application.

Respectfully,

(Signed) TAMS BIXBY
Chairman

Register .

Cherokee Freedman
D-280.

Muskogee, Indian Territory, December 27, 1905.

Blue & Bulger,

Attorneys for Gurtie Martin,

Vinita, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for the enrollment of Gurtie Martin as a Cherokee freedman. You have heretofore been furnished a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby,
Commissioner.

Incl S-2

Cherokee Freedman
D-280.

Muskogee, Indian Territory, December 27, 1905.

Gurtie Martin,

Adair, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for your enrollment as a Cherokee Freedman. There has heretofore been furnsihed your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

(Signed) TAMS BIXBY,

Commissioner.

Incl.S-1

Register.

Muskogee, Indian Territory, December 27, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Curtis Martin as a Cherokee freedman, including the Commissioner's decision dated December 27, 1905, rejecting said application.

Respectfully,

Incl.' S-5

Commissioner.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen

D-280.

Muskogee, Indian Territory, December 27, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for the enrollment of Gertie Martin as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Incl. S-3

Commissioner.

-COPY-

DEPARTMENT OF THE INTERIOR,

LAND:
135-1906.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated December 27, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Gurtie Martin.

December 27, 1905, the Commissioner decided adversely to the applicant.

The record shows that after ample opportunity afforded the applicant has failed to establish by satisfactory evidence her right to citizenship in the Cherokee Nation and her name is not identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM
C

-COPY- Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.C.20721.
I.T.D.6856-1906.

May 21, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 27, 1905, you transmitted the record in the matter of the application for the enrollment of [illegible] as a Cherokee freedman.

Reporting May 18, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated December 27, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen

D-280.

Muskogee, Indian Territory, June 5, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for the enrollment of Gurtie Martin as a Cherokee freedman, was affirmed by the Secretary of the Interior May 21, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. S-28
LS

Cherokee Freedman

D-220.

Muskogee, Indian Territory, June 5, 1906.

Louis T. Brown,

Attorney, for Curtie Martin,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting the application for the enrollment of Curtie Martin as a Cherokee freedman, was affirmed by the Secretary of the Interior May 21, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. S-27
LS

Commissioner.

Cherokee Freedman

T-280.

Muskogee, Indian Territory, June 5, 1906.

Harvey Martin,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, rejecting your application for the enrollment of your wife, Nancy Martin, as a Cherokee Freedman, was affirmed by the Secretary of the Interior May 21, 1906.

Respectfully,

LS

Commissioner.

(COPY)

August 31, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

In re:

Application for the enrollment of Jennie Martin et al as Cherokee Freedmen, and cases consolidated therewith, we beg to say that we hereby petition that you transmit at once our motion for rehearing filed with this case together with the other papers connected therewith to the Honorable Secretary of the Interior and for cause state.

That the applicants in this case with the exception of Jennie Martin claim their right to be enrolled as descendants of one Nelson Martin; that Jennie Martin herself is a descendant of Nelson Martin but she came to the Cherokee Nation with Nelson Martin.

Nelson Martin lived in the Vicinity of Garnett, Kansas at the close of the Civil War and when he left Garnett, Kansas and came to the Cherokee Nation in 1866 he located on Grand river.

The case of Moses Riley et al has been remanded by the Department for rehearing and the Rileys lived in Kansas in the same neighborhood as did Nelson Martin and when they all came to the Cherokee Nation Nelson Martin located on Grand River a few miles further up than the Rileys and all of the witnesses in Kansas who will be present to testify in the Riley case will also be good witnesses for the descendants of Nelson Martin; we have talked with them and we expect to use them in the Jennie Martin case when a trial is had in that case. The witnesses

in the Cherokee Nation in the Riley case are also excellent witnesses in the case of Jennie Martin et al as to the return of Nelson Martin.

If the Jennie Martin case could be tried at the time the case of Moses Riley et al is tried the expenses of the trial could be reduced very materially.

We have approximately fifteen witnesses in the State of Kansas who will testify in both cases and the mileage and per diem of witnesses from Garnett Kansas to the Cherokee Nation (Muskogee) is estimated at $24.00 each now therefore if the Jennie Martin case could be set for trial on the same date as the Riley case then when the Kansas witnesses come in to the trial of the Riley case they could be held over for the Jennie Martin case and the applicants in the Martin case would pay their proportionate share of the mileage and per diem of witnesses whereas if the trial was had later in the Jennie Martin case it would cost them just as much to bring these witnesses to the trial as it cost the Rileys in their case. The same reasoning would apply to the witnesses in the Cherokee Nation.

We also expect to bring to the trial of both cases Hiram Springs from Mattoon, Illinois, which town is located on the Big Four Railway about 135 miles Northeast of St. Louis; we will also bring Christian Shull from Sugra Grove Ohio. This place is about forty Miles south of Columbus Ohio. We also have Daniel A. Johnson at Fort Worth Texas and also a witness at Kawker City Kansas which is in Mitchell County a long distance west of Kansas City.

It is therefore plain to be seen that if the Jennie Martin cases were set for trial at the same time the Riley case is set the Martin

case could be tried without extra expense and this would be a great saving to them.

In filing our affidavits in support of the motion for rehearing in this case we did not file the affidavits of all of our witnesses but only of a very small portion of them, but made a showing that we deemed sufficient for the purposes of the motion.

We therefore earnestly petition that you transmit our motion in this case to the Department and that it be made special so that early action might be secured on it.

In presenting this matter to you we desire to state, and have it distinctly understood, that in making this request we are acting for what we believe to be for the best interests of the applicants in order to save them from having to incur additional expense as herein set forth; that this request is made in good faith for the purposes herein shown; that we do not seek to have hasty action on the case for the purpose of seeking some advantage or to get a case without merit reopened we sincerely and conscientiously believe that these applicants are entitled to be enrolled and that when we bring in our testimony as herein indicated that your office will enroll them or that when the case is tried this time that your office will be in a position to write a decision based upon all of the testimony that can be had in the case touching upon the rights of these applicants, and that these people will be saved of a heavy expense.

These applicants are poor people and early action on this motion as herein indicated and asked for by us will be the means of a great saving to them and the Riley cases need not be burdened by this case as we will not ask that the Martin cases be consolidated with any case.

Respectfully,

(SIGNED) Starr & Patten

JCS

D.C.37491 C O P Y . J.P.
I.T.D. 8710-1904.
10913-1906. WHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Direct.

L.N.S.

September 1, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There have been received two letters relative to the Cherokee freedman case of Jennie Martin et al, from their attorneys, dated respectively, August 27 and 30, 1906, urging the Department to direct you to submit at once a motion for rehearing in such case, alleged to have been filed in your office since April 26, 1906.

The case was the subject of departmental letters of November 2, 1904, and May 2, 1906.

In view of the representations made, it is requested that you submit the motion as requested, direct, with such recommendation as you deem proper.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Mus ogee, Indian Te ritory, Se tember 1, 1906.

SPECIAL

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion made by Starr & Patten, attorneys for applicants, Vinita, Indian Territory, for a re earing of the Cherokee freedmen consolidated case of Jennie M rtin et al. Said motion is supported by what purports to be sworn st tements of J. M. Johnston, and Hiriam Spriggs and affidavits of Nelson Moore, Thomas H. Moore, Simon Lynch, Moses Riley, Arthur Bean, Joe Bean, Leander Bean and Tobias Bean. This motion was recevied at this office June 2, 1906. The reply of the Cherokee Nation to said motion is also enclosed.

There is also enclosed a motion and statement by the attorneys for the applicants, which was received at this office on July 21, 1906. This motion and statement is supported by affidavits signed by Arthur Bean,

Tobis Bean, Miria Spriggs and Simon Lynch. The attorneys state that "these a fidavits have been re-signed because of the o bjections of Counsel for the Cherokee Nation to their originals."

The records of this office show that the decision of the Commission to the Five Civilized Tribes dated March 5, 190 , rejecting all of the applicants embraced in the Cherokee freedmen consolidated case of Jennie Martin et al. (D 197 et al.), except Joe Martin, was affirmed by the Department November 22, 1904 (I.T.D. 8710-1904). The motion herewith transmitted does not refer to the case of said Joe Martin.

The attorneys for applicants request a rehearing on the ground of newly discovered evidence, which they claim will show th t Nelson Martin, through whom all of the applicants except Jennie Martin claim the right to enrollment as Cherokee freedmen, and said Jennie Martin, returned to the Cherokee Nation prior to February 11, 1867. In the affidavits of J.M. Johnston and Miriam Spriggs the affiants state that Nelson Martin left Anderson County,

Kansas, with his family and effects and went to the Cherokee Nation, Indian Territory, "in the spring of the year of 1866." In the affidavits of all the other parties the affiant merely state that Nelson Martin and his fmily located in the Cherokee Nation "in the fall of the year of 1866," or that Nelson Martin established a residense in the Cherokee Nation "prior to February 11, 1867."

The Cherokee Nation protests against this motion being granted, claiming that it does not show that with due diligence the evidence now sought to be introduced could not have been secured when the case was heard before the Commission, or that the applicants did not have ample opportunity to offer the same. The attorney for the Cherokee Nation states that Nelson Martin was denied citizenship in the Cherokee Nation by the Supreme Court of the Cherokee Nation (Daniels Court), on June 8, 1871, and in connection therewith refers to the Department's opinion of March 5, 1906 (I.T.D 10716-1906), in the Cherokee freedman case of John Morgan, wherein the Department refers to the opinion of the Assistant Attorney General of October 5, 1905, in the Cherokee freedmen case of Harry Still.

No affidavit by any of the applicants in this case is attached to show that the evidence which it is now sought to introduce is newly discovered, or that with due diligence it could not have been secured when the case was heard before the Commission, it being only stated that the same is newly discovered in the motion of said attorneys. With the exception of the affiants J. W. Johnston and Miriam Springs, all of the affiants live in the Cherokee Nation, and when the Commission was engaged in receiving applications for enrollment as Cherokee freedmen, and hearing testimony in connection with pending applications, all of said affiants living in the Cherokee Nation testified in a number of pending cases. It is not reasonable therefore, to presume that with due diligence the applicants could not have learned of the knowledge of these affiants with reference to the return to the Cherokee Nation of Nelson Martin and the applicant Jennie Martin, or that they did not have knowledge of such fact at that time. The statements of J. W. Johnston and Miriam Springs with reference to the time of the return to the Cherokee

Nation of Nelson Martin is in conflict with all of the testimony heretofore introduced in the case, and with all of the other affidavits attached to the motion, it being nowhere claimed, except in the affidavits of the affiants, Johnston and Spriggs, that Nelson Martin and Jennie Martin returned to the Cherokee Nation "in the spring of the year of 1866".

The preponderance of the evidence heretofore taken in the case shows that Nelson Martin and Jennie Martin did not return to the Cherokee Nation and establish a permanent residence therein, until, possibly, the fall of 1867 or the spring of 1868. This office does not consider that the showing made warrants the granting of the motion for a rehearing in this case, and it is therefore respectfully recommended that the motion be denied.

This office is in receipt of a letter from Starr & Patten, dated August 31, 1906, wherein they state that in the event a rehearing is granted in the case of Jennie Martin, they expect to introduce in the case practically the same witness as they desire to introduce at the hearing to be had in the Cherokee freedmen case of Moses Riley,

Secretary--

et al., which case is consolidated with that of Katie Ridge, which was remanded to this office for a rehearing on July 6, 1906 (I.T.D. 17884-1905). said attorneys request that, as it would save great expense to the applicants in the Martin case, should a rehearing be granted therein, on account of the same witnesses testifying in both cases, a similar motion be made special.

In view of these statements by the attorneys it is respectfully recommended that their request be granted and that the motion for a rehearing in the Martin case be made special.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner.

L K T

Encl. R 43

(COPY)

DEPARTMENT OF THE INTERIOR,

LAND:
82267-1904
76396-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

September 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In compliance with the request contained in your letter of September 1, 1906, (I.T.D.1904, 10913-1906) there is transmitted herewith the record in the case of Jennie Martin, et al., applicants for enrollment as Cherokee freedmen. The record transmitted contains all the papers on file in this office pertaining to this case.

Very Respectfully,

F. E. Leupp,

Commissioner.

E.W.E - NL.

C O P Y.

T E L E G R A M.

83.KS.RD.SN. 44 Collect-X- Govt.

DS-Washington, D.C.Sept.18th-06.

Bixby, Commissioner,

Muskogee,I.T.

Wire what action taken by you on departmental letter first instant requesting you to forward motion for rehearing in cherokee Freedman case Bennie Martin Et al if motion has not been forwarded send it immediately.

Thomas Ryan, Acting Secy.

2 pm.

COPY.

JOR

T E L E G R A M .

Muskogee, Indian Territory, September 18,1906

Secretary of the Interior

Washington, D. C.

Replying Departmental telegram eighteenth instant motion for rehearing in Cherokee freedman case of Jennie Martin et al forwarded with special letter first instant through Indian Office.

Bixby, Commissioner

O B G R Paid

T.B.

(COPY)

J.P.

D.C.43379-1906.

DEPARTMENT OF THE INTERIOR,

I.T.D.18464-190[illegible].
16068-

WASHINGTON.

FWE.

L.R.S.

September 26, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the motion for rehearing in the Cherokee freedman case of Jennie Martin, et al., submitted with your letter of September 1, 1906, and Indian Office letter of September 20, 1906 (Land 60461), in both of which it is recommended that the motion be denied, mainly on the ground that it is based upon newly discovered evidence and it is not shown that due diligence has been used by the claimants. For the same reason, and others, the attorney for the nation protests against the granting of the motion.

The decision of the Department affirming the decision of the Commission to the Five Civilized Tribes adverse to all the applicants except one, was rendered November 22, 1904, of which the parties had due notice.

It is urged by the attorneys who filed the motion, that the case in all material particulars is similar to that of Katie Ridge, et al., which the Department, on July 9, 1906, remanded

for rehearing. Said attorneys urge early action in view of the fact that they contemplate introducing in the Martin case the same witnesses used in the Ridge case, and state that it would thus save great expense to the applicants in the Martin case. Many things are stated in the original motion and the supplemental one which the attorneys "expect to prove."

The Department, of course, can not rely upon such statements, but must be governed by the affidavits in support of the motion. All such affidavits are of a general nature, mostly signed by mark, and merely alleging that Nelson Martin, through whom the applicants claim, and his family, were in the Cherokee Nation in the fall of 1866, some of the affidavits stating that such family established a residence there at that time. If a bona fide residence was established as the act of April 26, 1906 (34 Stat., 137), fixes should have been, the surrounding circumstances are not mentioned.

The Department has not considered it advisable in this class of cases to promulgate any strict rules governing, as to time, the filing of motions for review and rehearing. That, however, has been done by said act of April 26, 1906. The attorneys for the nation have not always been diligent in the filing of such motions. Considering the unsatisfactory nature of the affidavits in support of the motion under consideration, and the fact (which is not a newly discovered one) that Nelson

Martin and his family were rejected by the supreme court of the Cherokee Nation in 1871, and in view of the provision as to Cherokee freedmen in the act of April 26, 1906, the Department will not grant the motion.

In the opinion of the Assistant Attorney General of October 5, 1905, approved by the Department, in the case of Harry Still, the effect of an adjudication of the supreme court of the Cherokee N tion in favor of a Cherokee freedman claimant was found to be such that it should not be overturned "after impairment and loss of valuable evidence by the lapse of more than thirty years." Such adjudication, the opinion stated, should be followed "unless it appear that fraud was practiced upon the court, or the evidence then before the court and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong."

This being true as to claimants in whose favor the Cherokee supreme court rendered decisions, it is equally true with reference to claimants against whom decisions were made.

To warrant a rehearing in any such case a strong prima facie showing must be made by the affidavits in support of a motion for rehearing. The affidavits must set forth, with considerable detail, all of the alleged facts upon which the motion is based and relative to which the witnesses proposed to

be introduced would testify.

While it is asserted in the motion, signed merely by the attorneys making it, that

"The applicants expect to prove by reliable and trustworthy witnesses that the said Nelson Martin was at Tahlequah Indian Territory to attend the session of the Daniels Court, when all of the Freedmen were down there and that Judge Daniels who was the Judge of the Court, told all of said Freedmen including Nelson Martin, to go home; that they did not want them there and that they were not at that time trying Freedmen cases, and that under the advice of said Court, the said Nelson Martin returned to his Home and was never thereafter called before said Court and that if a judgment was rendered against him it was a judgment by default without an opportunity being granted him to introduce the testimony he had in support of his case,"

there is not an affidavit presented in which any reference is made to the decision of the supreme court of the Cherokee Nation.

The motion is denied and the papers have been sent to the Indian Office. A copy of the Indian Office letter is enclosed.

Respectfully,

Thos Ryan

Acting Secretary.

Through the Commissioner
of Indian Affairs.

1 enc. and 12 to Ind. Of.

Cherokee F
D. 280

Muskogee, Indian Territory, October 6, 1906.

Harvey Martin,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, June 2, 1906, for a rehearing in your Cherokee freedmen enrollment case was denied by the Secretary of the Interior, September 26, 1906.

Respectfully,

H.J.C.

Acting Commissioner.

Cherokee F
R 538.

Muskogee, Indian Territory, October 6, 1906.

Starr & Patten,

Attorneys for Jennie Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion, filed by you June 2, 1906, for a rehearing in the Cherokee Freedmen enrollment case of Jennie Martin et al., was denied by the Department September 26, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl.C-10
LMC

Cherokee
W. R. 538 et al.

Muskogee, Indian Territory, October 6, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of Departmental letter of September 26, 1906, in which the motion filed June 2, 1906, for a rehearing in the Cherokee freedmen enrollment case of Jennie Martin, et al., is denied.

Respectfully,

Encl. H.J.-86.
H.J.C.

Acting Commissioner.

(C O P Y)

Y.P.
FHE

I.T.D. 16068-1906 DEPARTMENT OF THE INTERIOR
13137-"

WASHINGTON.

L R S

October 24, 1906

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory.

Sir:

On September 26, 1906, the Department denied a motion for rehearing in the Cherokee freedman case of Jennie Martin, et al. On the 22nd instant there was filed by local attorneys for the applicants a motion requesting that "final action" be not taken in this case under the decision of September 26, 1906, but that "the applicants herein be given a reasonable time within which to file supplemental affidavits which shall embrace in detail the evidence which the attorneys for said applicants have hereinbefore represented they were able to prove as to the circumstances connected with the establishment of a bona fide residence in the Cherokee Nation of the character fixed by the Act of April 26, 1906 (34 Stats. L. 137), and that the conclusion of the Supreme Court of the Cherokee Nation affecting these cases by reason of fraud or lack of evidence then available was clearly wrong."

Said attorneys have been advised that the applicants will be allowed thirty days from this date to submit,

through your office, such affidavits as they may desire to present. The motion is enclosed and the Indian Office has been requested to transmit to you the papers in that office relative to the case.

It is requested that should further proceedings be had by the claimants within the time specified, you will carefully consider the record as then made and submit all the papers to the Department with recommendation. Advise the attorney for the nation hereof.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure

Cherokee
F R 538 et al.

Muskogee, Indian Territory, November 1, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed a copy of Departmental letter of October 24, 1906, allowing At torneys for applicants in the Cherokee Freedman case of Jennie Martin, et al., thirty days from that date within which to file affidavits in support of the motion for a rehearing of said cases, which motion was denied by t he Department September 26, 1906.

Respectfully,

Incl. GL-1.
GHL

Commissioner.

Muskogee, Indian Territory, December 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting all of the applications embraced in the Cherokee freedmen consolidated case of Jennie Martin, et al. (D197 et al), except Joe Martin, was affirmed by the Department November 22, 1904 (I.T.D.8710-1904).

September 1, 1906, this office transmitted a motion filed June 2, 1906, by Starr & Patten, Attorneys for applicants, Vinita, Indian Territory, for a rehearing of said case, except as to said Joe Martin. Said motion was denied by the Department, September 26, 1906 (I.T.D.18464, 16069-1906).

October 24, 1906 (IT.D.16068, 13137-1906), the Department advised that:

"On the 22nd instant there was filed by local attorneys for the applicants a motion requesting that 'final action' be not taken in this case under the decision of September 26, 1906, but that 'the applicants herein be given a reasonable time within which to file supplemental affidavits which shall embrace in detail the evidence which the attorneys for said applicants have hereinbefore represented they were able to prove as to the circumstances connected with the establishment of a bona fide residence in the Cherokee Nation of the character fixed by the Act of April 26, 1906 (34 Stats.L.137), and that the conclusion of the Supreme Court of

the Cherokee Nation affecting these cases by reason of fraud or lack of evidence then available was clearly wrong' ": and that:

"Said attorneys have been advised that the applicants will be allowed thirty days from this date to submit, through your office, such affidavits as they may desire to present"; and this office "is requested that should further proceedings be had by the claimants within the time specified, you will carefully consider the record as then made and submit all the papers to the Department with recommendation."

With their letter of November 1, 1906, attorneys for applicants submitted affidavits by Joe Davis, James Manspeaker, Tobias Bean, Moses Riley, George West Vann and Leander Bean; with their letter of November 9, 1906, they submitted affidavits by Simon Lynch, Columbus McNair and Jackson Davis; with their letter of November 16, 1906, they submitted a motion that the Commissioner examine the 1880 authenticated Cherokee roll, and cite the enrollment thereon of Nicey Mayfield, and affidavits by Christian Shull and Nicey Mayfield, and with their letter of November 23, 1906, they submitted a certificate by the Clerk of Anderson County, Kansas, certifying that the tax records, list of personal property assessed and the real estate records, in the possession of his office, for the years 1868, 1869 and 1870, for Monroe township, Anderson County, Kansas, do not contain the name of Nelson Martin, and an affidavit by George A. Campbell. All of said documents are enclosed. Proof of service upon the Attorney for the Cherokee Nation, of copies of said documents, is furnished.

The substance of the evidence now presented is that Nelson Martin, the ancestor through whom all of the applicants in this case, except Jennie Martin, claim the right to Cherokee freedmen citizenship, with his family, including the principal applicant, Jennie Martin, left Anderson County, Kansas, in the late fall or

winter of 1866; went to the home of Anderson Lynch on Grand River in the Cherokee Nation, where it is claimed that Nelson Martin lived until the spring of 1867, when he built a house of his own and lived in it for two years, or until 1869, when he moved to near the farm of Judge G. W. Clark.

The affiants, Tobias Bean, Simon Lynch and Columbus McNair, state that Nelson Martin was not given a hearing by the Supreme Court of the Cherokee Nation in 1871, but that he was told "to go home" and that if he were needed the Court would send for him, and that the Court afterwards rejected him "by default".

Joe Davis states that he saw Nelson Martin a short time before Christmas, 1866, on Spring Creek, living in a house with Anderson Lynch, and that the next spring, Martin made a place of his own and lived there until the spring of 1869, when he bought a place near Judge Clark's, where he since continuously lived until the time of his death.

James Wanspeaker states that "my recollection is that Nelson Martin and his family left that community (Garnett, Kansas) in the fall of the year of 1866 for the Cherokee Nation".

The statements contained in the affidavit of Tobias Bean are practically the same as those in the affidavit of Joe Davis, and in addition he states that Nelson Martin was not given an opportunity to introduce his evidence before the Cherokee Supreme Court in 1871.

The statements in the affidavit of Moses Riley as to the return of Nelson Martin are practically the same as in the affidavit of Joe Davis and Tobias Bean.

Moses Riley is an applicant for enrollment as a Cherokee freedman, and the question of his return to the Nation after the War of the Rebellion is pending before this office for a decision at the present time.

George West Vann states that "soon after Christmas, in the year of 1866, or early in January, 1867, I was down in the vicinity of Lynch's Prairie, on Grand River, and at that time Nelson Martin was living in a house near the river, and he continued to reside in the Cherokee Nation after that time until his death."

Leander Bean states that Nelson Martin, with his family, and Thomas Mayfield, with his family, including his wife, Nicey Mayfield, settled in the Cherokee Nation in November, 1866.

Simon Lynch makes practically the same statements, as to the return of Nelson Martin, as Leander Bean, and further states that Nelson Martin lived on several places in the Cherokee Nation "until he settled on a place of his own and lived on it a while and then bought a place in the community and lived on it until his death." He also states that Nelson Martin was not given an opportunity to introduce his evidence before the Supreme Court of the Cherokee Nation, and that the decision of said Court adverse to Nelson Martin was "by default".

Columbus McNair states that he was at the house of Nelson Martin in January, 1867; that the house was on Crap (Anderson) Lynch's place, and that there were two houses on said place, Nelson Martin living in one and Crap Lynch in the other. He also makes the same statements with reference to the case of Nelson Martin before the Supreme Court of the Cherokee Nation as do the other

witnesses above referred to.

Jackson Davis makes the same statements with reference to Nelson Martin and the Cherokee Supreme Court as do the other witnesses.

Christian Shull states that he remembers "that in the fall of 1866 Nelson Martin left Anderson County, Kansas, to go to the Indian Territory to claim a headright that was due him if he got there within a certain time that was allowed."

Wicey Mayfield states that Nelson Martin and family returned to the Cherokee Nation in 1866, at the time she returned; that he lived neighbor to her in the Cherokee Nation from the time of their return until the time of his death; that her rights were not questioned by the Supreme Court of the Cherokee Nation in 1870 or 1871, and that her name appears upon the Cherokee authenticated roll of 1880.

George A. Campbell states that he recollects that Nelson Martin and his family left Anderson County, Kansas, in the fall of 1866 and that he has not seen them in that community since.

In order for the applicants in this case to be entitled to enrollment as Cherokee freedmen under the provisions of Section 3, of the Act of Congress approved April 26, 1906 (34 Stats.137), they must establish that they or their ancestors, through whom they claim the right to enrollment, actually returned to and established a personal bona fide residence in the Cherokee Nation on or before February 11, 1867.

The Department, on September 26, 1906, denying the former motion for a rehearing in this case and referring to the rejection

of Nelson Martin and his family by the Supreme Court of the Cherokee Nation in 1871, states that:

"In the opinion of the Assistant Attorney General of October 5, 1905, approved by the Department, in the case of Harry Still, the effect of an adjudication of the supreme court of the Cherokee Nation in favor of a Cherokee freedman claimant was found to be such that it should not be overturned 'after impairment and loss of valuable evidence by the lapse of more than thirty years.' Such adjudication, the opinion stated, should be followed 'unless it appear that fraud was practiced upon the court, or the evidence then before the court and that now available before the Commission show that the conclusion of the court upon the case, for fraud or lack of evidence then available, was clearly wrong' ";

and that:

"This being true as to claimants in whose favor the Cherokee Supreme Court rendered decisions, it is equally true with reference to claimants against whom decisions were made"; and

"To warrant a rehearing in any such case a strong prima facie showing must be made by the affidavits in support of a motion for rehearing. The affidavits must set forth, with considerable detail, all of the alleged facts upon which the motion is based and relative to which the witnesses proposed to be introduced would testify."

The former motion in this case was based upon the ground of newly discovered evidence, but the attorneys fail in this motion, as they did in the former one, to make any showing that the evidence now sought to be introduced is newly discovered, or that with due diligence it could not have been discovered when the case was originally heard before the Commission. There is nothing to show that the motion is made in good faith and not for the purpose of delay.

It is very noticeable in this motion that the place on which it is claimed that Nelson Martin and his family lived from the time they left the place of Anderson Lynch, in the spring of 1867, until the spring of 1869 when it is claimed they moved to near the place of Judge Clark, is not located. If they established an actual

residence during that time it would appear that that fact would be the most easily proved.

Joe Davis, Tobias Bean, Moses Riley, George West Vann, Leander Bean, Simon Lynch, Columbus McNair and Jackson Davis all live in the Cherokee Nation, not a great distance from the place it is claimed Nelson Martin and family returned, and when the Commission was hearing testimony in Cherokee freedmen cases each of said parties testified in a number of cases. Nicey Mayfield also lives in the Cherokee Nation and has testified in several Cherokee freedmen cases. It appears that these witnesses could have been easily produced at the former hearings in the case. Joe Davis was twelve years old in 1866. Tobias Bean, Leander Bean and Simon Lynch are professional witnesses and their statements in freedmen cases have been repeatedly contradicted, and this office can state that the records in the different cases in which these witnesses have testified show that their testimony is not entitled to any weight. As has heretofore been stated, Moses Riley is an applicant for enrollment as a Cherokee freedman. October 13, 1905, his application was rejected by the Commissioner, the record in his case forwarded to the Department, and on July 9, 1906, his case was remanded to this office for a rehearing and is pending before it now. George West Vann, according to his affidavit, was thirteen years old in 1866. Simon Lynch has, in numerous cases, testified that he was convicted of larceny by the Cherokee Courts, but of late he has claimed that he was pardoned, at one time he testified by t he Cherokee National Council, and at other times, by the Principal Chief of the Cherokee Nation. Jackson Davis was denied enrollment

as a Cherokee freedman by the Commissioner for the reason that he failed to return to the Cherokee Nation within the time required by law, and the Commissioner's action was affirmed by the Department, November 30, 1906 (I.TD.17176-1906).

The statements to the effect that Nelson Martin was rejected "by default" by the Cherokee Supreme Court is not substantiated by the records. The docket of the Supreme Court of the Cherokee Nation shows the following entry: "Nelson Martin & family. Decided against claimants June 8th, 1871". This office cannot advise the Department as to the manner in which the Supreme Court of the Cherokee Nation conducted its proceedings in citizenship cases, but at a comparatively recent date this office finds, in investigating pending applications for enrollment as Cherokee freedmen and in which the Supreme Court of the Cherokee Nation rendered a decision adverse to the applicants, that the claim is made that the applicants were "told to go home" and "not given an opportunity to introduce their evidence." An examination of the docket of the Supreme Court fails to show that this claim is tenable. The docket shows that approximately 50% of the cases tried by the Supreme Court were granted, and it would be preposterous to think that the Court would tell the applicants "to go home", and that if they "were needed" they would be sent for, and the Court would afterwards admit the applicants. In a number of cases such notations as "too late", "state raised" and "sold out of the Nation" appear following the docket entries of the applicants. Notations also appear in a number of cases to the effect that the claimants were decided against by default. In a recent hearing had before this office

in the Cherokee freedman case of Andy Webber, Messrs. Starr & Patten, also attorneys for said applicant, introduced the testimony of a witness for the purpose of identifying Andy Webber as being a son of one George Webber, in whose favor a decision was rendered by the Supreme Court of the Cherokee Nation in 1871, and that witness testified that he was present when the case of George Webber came up for hearing; that there were a great many freedmen before the Court at that time and that all of them were given a hearing and permitted to introduce evidence as to their right to Cherokee freedman citizenship.

The 1880 authenticated roll of citizens of the Cherokee Nation contains the name of one Nycie Mayfield, at number 764, page 649, Saline District, aged 45 years, a native Cherokee. The right of Nicey Mayfield to enrollment as a citizen of the Cherokee Nation could not be questioned for the reason that her name is found upon the Cherokee tribal roll of 1880. That the Cherokee Nation did not recognize the compliance of Nicey Mayfield with the terms of the treaty of 1866 is shown by the fact that the Supreme Court of the Cherokee Nation, in 1871, decided against her husband, Thomas Mayfield. This office has no information as to whether or not Nicey Mayfield is of Cherokee blood or by what authority her name was placed upon the roll of 1880. That there are names of persons appearing upon the roll of 1880 who are not entitled to be placed thereon, is conceded, as well as the fact that parties whose names are entitled to be on that roll are not thereon.

The certificate of the Clerk of Anderson County, Kansas, is negative in character, and this office fails to see the materiality

of it. It contains nothing as to what the records of Anderson County, Kansas, show as to the name of Nelson Martin appearing thereon for the years 1866 and 1867.

Anderson Lynch, to whose house it is now claimed Nelson Martin and family came in 1866 and lived that winter, testified in the case prior to the rendition of a decision therein. He stated that Nelson Martin "came to my place in '66" and that he had his wife with him and rented a place from him in 1867 and made a crop thereon. He further stated that Nelson Martin (referring to the time he returned in 1866) "staid with me and camped out and then he made a crop the next year." Filmore Hicks, who also testified in the case on behalf of applicants, corroborated Anderson Lynch as to the time of the return of Nelson Martin, but stated that he did not see the family of Nelson Martin.

J. M. Johnson, (Judge) G. W. Clark, R. L. Martin and Walter A. West testified on behalf of the Cherokee Nation and stated that Nelson Martin did not return, and bring his family, to the Cherokee Nation until the spring of 1868, although Martin, himself, made a visit to the Cherokee Nation in 1867.

It appears that the evidence now sought to be introduced is merely cumulative, and could not overcome that heretofore introduced on behalf of the Cherokee Nation, or show that the decision of the Supreme Court of the Cherokee Nation in 1871, rejecting Nelson Martin, was clearly wrong. This office does not consider the showing made sufficient to warrant a rehearing being granted in this case, and it is, therefore, respectfully recommended that

the motion be denied.

The record in the case is enclosed.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Encl.H-15
JMH

Muskogee, Indian Territory, February 9, 1907

Starr & Patten,

Attorneys for Gurtie Martin et al.

Vinita, Indian Territory.

Gentlemen:

Replying to your letter of February 2, 1907, you are advised that your motion for a rehearing of the Cherokee freedman case of Gurtie Martin et al, was forwarded to the Department for consideration and appropriate action, on February 4, 1907.

Respectfully,

L M B

Commissioner

LAND
78327-1906
80451-1906
111695-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

(COPY) WASHINGTON.

February 16, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed report of Commissioner Bixby, dated December 18, 1906, in which he says that the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting all of the applicants embraced in the Cherokee freedman consolidated case of Jennie Martin, et al., except Joe Martin, was affirmed by the Department November 22, 1904, (I.T.D. 8710). On January 2, 1906, Messrs. Starr & Patten, attorneys for the applicants, of Vinita, Indian Territory, filed a motion for a re-hearing in this case, except as to Joe Martin. This motion was denied by the Department on September 26, 1906, (I.T.D. 18464-16068).

On October 22, 1906, the attorneys for the applicants filed with the Department a motion requesting that final action be not taken in this case, under the decision of the Department of September 26, 1906, but that the applicants herein be given a reasonable time in which to file supplemental affidavits.

On October 24, 1906 (I.T.D.16068-13137), the Department advised Commissioner Bixby that the attorneys for the applicant.

had been notified that the applicants would be allowed thirty days from date to submit through the Office of the Commissioner to the Five Civilized Tribes such affidavits as they might desire to present.

Commissioner Bixby reports that with their letter of November 1, 1906, the attorneys for the applicants submitted affidavits by Joe Davis, James Wanspeaker, Tobias Bean, Moses Riley, George West Vann, and Leander Bean. With their letter of November 9, 1906, they submitted affidavits by Simon Lynch, Columbus McNair, and Jackson Davis. With their letter of November 16, 1906, they submitted a motion that the Commissioner examine the 1880 authenticated Cherokee roll and cite enrollment thereof of Nicey Mayfield, and affidavits by Christian Shull and Nicey Mayfield, and with their letter of November 23, 1906, they submitted a certificate by the Clerk of Anderson County, Kansas, certifying that the tax-record, list of personal property assessed, and the real estate records, in the possession of his office, for the year 1868-'69-'70, of Monroe township, Anderson County, Kansas, do not contain the name of Nelson Martin, and an affidavit by George Campbell. All of the documents are enclosed.

In order that the applicants in this case be entitled to enrollment as Cherokee freedmen under the provisions of Section 3 of the Act of Congress approved April 26, 1906, (34 Stat.,L.137) they must establish that they, or the ancestors through whom

they claim right to enrollment, actually returned to and established bona-fide residence in the Cherokee Nation on or before February 11, 1867.

Commissioner Bixby reports that the attorneys for the applicants herein failed to make any showing that the affidavits now sought to be introduced are newly discovered, or that with due diligence this evidence could not have been discovered when the case was first heard before the Commission. There is nothing to show that the motion is made in good faith and not for the purpose of delay.

Inasmuch as the evidence now sought to be introduced is merely cumulative, and cannot overcome that heretofore introduced on behalf of the Cherokee Nation, the Office does not consider the showing made sufficient to warrant a re-hearing being granted, and it therefore concurs in the recommendation of Commissioner Bixby that the motion be denied.

Very respectfully,

C. F. Larrabee

EBM-LC

Acting Commissioner.

D.C.10946-1907.
I.T.D.8710-1904
3916-1907.
LRS
Direct.

G R.
W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

February 21, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 18, 1906, you transmitted a motion for a rehearing with affidavit in support thereof, in the Cherokee freedman consolidated cases of Jennie Martin, et al., wherein the Department on November 22, 1904 (I.T.D.8710), affirmed the decision of the Commission to the Five Civilized Tribes of March 5, 1904, adverse to all the applicants named therein, except Joe Martin, whose enrollment was granted as a Cherokee freedman.

The affidavit filed in support of said motion consist of Cumulative evidence tending to show that Nelson Martin, and the members of his family, left their place near Garnett, Kansas, in the fall or winter of 1866 and returned to the Cherokee Nation and established such actual personal bona fide residence in the Cherokee Nation prior to February 11, 1867, as is required by the act of April 26, 1906 (34 Stat., 137), and that the decision of the Supreme Court of the Cherokee Nation in 1871 adverse to applicants was made by default without notice to applicants of a hearing had and from lack of evidence.

Although applicants may have made prima facie showing, the

Department is not warranted in ordering a rehearing in this case, in view of the limited time allowed by the act of April 26, 1906, (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes in the Indian Territory on or before March 4, 1907, and therefore refuses to grant said motion for rehearing at this time. Said motion for rehearing is hereby denied.

You will advise applicants and their attorneys of this action. The Indian Office has this day been requested to notify local counsel of the action taken.

The record has this day been returned for the files of the Indian Office, together with a carbon copy hereof.

A copy of Indian Office letter of February 16, 1907, recommending the above action, is enclosed.

Respectfully,

Thos Ryan.

First Assistant Secretary.

1 inclosure and
10 enclosures to Ind. Of.,
with carbon hereof.

A.F.Mc.

2-23-07.

DEPARTMENT OF THE INTERIOR,

Land
44346-1906.
14930-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of May 21, 1906, (I.T.D. 8856-1906), affirming the decision of the Commissioner to the Five Civilized Tribes, rejecting the application for the enrollment of Gustic Martin as a Cherokee freedman, I have the honor to transmit herewith a communication from the Commissioner dated February 4, 1907, enclosing a motion for re-hearing, filed by Starr & Patton, of Vinita, I.T. There is attached to the motion an affidavit of Nelson Thompson, who signs by a mark; also the reply of the attorney for the Cherokee Nation, filed July 27, 1906.

The record shows that application was made for the enrollment of Gurtie Martin on May 15, 1901; That she was repeatedly notified to appear with witnesses and establish her right to enrollment as a Cherokee freedman, and that for a period of more than four years the case remained open and she failed utterly to make any satisfactory shewing of her right to enrollment as a freedman citizen of the Cherokee Nation, and the decision of the Commissioner to the Five Civilized Tribes was rendered against her on December 27, 1905, and this decision was affirmed by the Department May 21, 1906 (I.T.D. 8856-1906). The motion filed herewith for re-opening and re-hearing is unsatis-

factory, and does not in any way comply with the rules in such cases. No showing is made in the motion that is not filed for the purposes of delay. There is nothing to show that the evidence now sought to be introduced is newly discovered, or that it could not have been procured during more than four years that the case remained open by the use of any sort of diligence whatever. The Office sees no reason for re-opening the case, and therefore concurs in the recommendation of the Commissioner to the Five Civilized Tribes that the motion be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE--SD.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

O.K. J.F Jr.

D.C. 12317-1907.
I.T.D. 5476-1907.
LRS.

March 1, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 26, 1907 (Land 14930-07), the Indian Office transmitted your report dated February 4, 1907, forwarding a motion for rehearing in the matter of the application of Curtis Martin for enrollment as a freedman of the Cherokee Nation.

You consider that there is nothing to show that the evidence now sought to be introduced is newly discovered, and that the record shows that the applicant used no diligence in attempting to show her right to enrollment as a Cherokee freedman. You recommend that the motion be denied. The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

In view of Section 2 of the Act of April 26, 1906 (34 Stat., 137), even though a prima facie case for a rehearing was presented, the Department would not be warranted at this time in ordering a further hearing. The motion is accordingly denied.

The papers in the case, together with a carbon copy hereof, have been returned for the files of the Indian Office.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inc. and 4 inc.
for Ind. Of.

A. F. Mc.
3-1-07.

Cherokee F.
D 280.

COPY.

Muskogee, Indian Territory, March 4, 1907.

Harvey Martin,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that a motion filed by your attorneys for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., was denied by the Secretary of the Interior, February 21, 1907.

Respectfully,

(SIGNED) Tams Bixby.

Commissioner

LMC

Cherokee F.
R 538 et al.

COPY.

Muskogee, Indian Territory, March 4, 1907.

Starr & Patten,

Attorneys for Jennie Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that a motion filed by you for a rehearing in the Cherokee freedmen enrollment case of Jennie Martin, et al., was denied by the Secretary of the Interior, February 21, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.C-4
LMC

Cherokee F.
R 538 et al.

COPY.

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion filed June 2, 1906, for a rehearing in the Cherokee freedmen enrollment case of Jennie Martin, et al., was denied by the Secretary of the Interior, February 21, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED) T[illegible]

Commissioner.

Encl.C-5
LMC

Cherokee F
D 280.

Muskogee, Indian Territory, April 2, 1907.

Curtis Martin,

Adair, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Starr & Patten, of Vinita, Indian Territory, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 1, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee W.
D 280.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing of the Cherokee freedman enrollment case of Gurtie Martin, was denied by the secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-15
LMC

Cherokee F.
D 280.

Muskogee, Indian Territory, April 2, 1907.

Starr & Patten,

Attorneys for Curtie Martin,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Curtie Martin, was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-16.
LMC

No 780

Received of Comr Five Civilized Tribes copy of Complete Record in Cherokee freedmen case Turner v Martin

Starr & Patton
Attys for Appts

Muskogee
Oct 3 1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY [redacted] 1902
ACTING CHAIRMAN

Muskogee I.T. 5/31/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Harry Martin et al

for enrollment as Freedman *of the Cherokee Nation.*

Cherokee I.T. No. 280

Louis F. Brown
Agent.

Cher. Fr. R 857

Cher. Fr. R. 857

Trans. from Cher. Fr. D 289

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 15 1901

ACTING CHAIRMAN.

Fd 269

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15, 1901.

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody besides yourself?
A Just one child.
Q Yourself and one child? A Yes, sir.
Q Is that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A Me, I am about 64 years old.
Q What is your post office? A Chelsea.
Q In what district do you live? A Coowescoowee.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q He s in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died durint of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
Q Give me the name of your child? A Ernest Martin.
Q How old is the child? A I think, as well as I can remember, it is about 18 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why do you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I thin about '64.
Q Where did you marry her? A Married her in Kansas.
Q Have you and she lived together as husband and wife ever since 1864? A Yes, sir.
Q How old is your wife? A I think, as well as I can remember, she is about 54 years old.

Q What district were you living in in 1880, or were you living in the Cherokee Nation? A Yes sir.
Q What district were you in? A I was in Cooweescoowee part of the time.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Have you ever drawn money? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
A I am not on that I know; I know the reason why I am not.
Q Did you draw Cherokee strip money? A Yes, sir.
The Kerns-Clifton roll examined, and the applicants identified thereon as follows:
Lewis Martin on page 158, No. 3916, Cooweescoowee district, as Louis Martin.
Ernest Martin on page 158, No. 3918, Cooweescoowee district.
Sarah Martin not on Kerns-Clifton roll.
The Wallace roll examined and the applicant Lewis Martin ~~examinexxxxxxxx~~ identified thereon, page 131, No. 2742, Cooweescoowee district.
Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.
Q Were you ever married except to her? A Yes, sir.
Q How many times were you married before you married her? A Only once.
Q Was your wife dead when you married Sarah? A Yes, sir.
Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.
Q Hadn't she ever lived with a man as husband and wife? A No, sir.
Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew I had been there, and didn't go.
Q How comes it you are not on the 1896 roll? A I am not on the 1896 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I knew I wasn't any Cherokee.
Q You were up in Kansas during the war? A Yes, sir.
Q What time did you come from Kansas? A Come back in the fall of '66.
Q How did you happen to come back in '66? A Well, the postmaster was ~~xx~~ reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.
Q You came back when you heard of that treaty? A Yes, sir.
Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.
Q Did you come back so as to be within the time fixed by the treaty?
A Yes, sir, that is what I aimed to do.
Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that country.
Q That is what you understood at the time? A That is the way I understood it.
Q Was that your object then in coming back in '66? A Yes, sir.

that was my object.

Q So as to get your rights? A So as to get my rights.

Q So your being in Kansas wouldnt be counted against you? A That is what I thought.

Q How comes it when you went to enroll in 1880 you didnt go on up to be enrolled, when somebody mentioned you had been in Kansas?

A Well, I told you one reason I didn't go; I didn't have any one to go with me, I had got bushwhacked once and I was afraid to go around much, I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Were you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J.S.Davenport, Cherokee Attorney: Where were you living in 1880?

A I didn't have any established home, I was working around living along with my people, with my brother's wife, Junie, I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but a family wasn't with me.

Q Where was your family in 1880? A They were here sometimes.

Q Wasn't they living in 1880 in Kansas? A They was here part of the time in 1880 and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The some they were making the roll down here they were that some up in Kansas? A No, sir, they wasn't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '65? A I came back home and went to Fort Gibson driving a train in '65 or '4.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '66 sure.

Q You testified before the Kerns-Clifton Commission, didn't you?

A Yes, sir.

Q Didnt you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did you testify to that or not before the Kerns-Clifton Commission? A I did not, it was a mistake someway or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No, sir.

Q Did they ever live there at all? A Lived there; when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would like with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back.

A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept an improvement up there, the claim.

Q What part of Pryor Creek.

A I can't tell you; close where my sister lives, eight or ten miles north of Chelsea.

Q When was that? A I can't tell you, that has been 18 or 19 years ago.

Q That was the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived p there on Pryor Creek? A I lived some here in Vinita around north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q About what year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita?

A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate i mediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Mose Riley before that, they are relations of x mine, I stayed with them.

Q Where did Mose Riley live? A He lived out west of Chelsea, northwest a while.

Q That is where your sister lived? A No, I have got no sister, I have one sister living, none out there, no, sir.

Q Where did you live before you went to Mose Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never build.

Q You had one sister living on Pryor Creek north of Chelsea? A My sister Junie, yes, sir.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Dave Martins on Big Creek, and another cousin of mine called Nellie Wilson.

Q Who did you stay with when you were livin in Vinita? A I stayed with my own people.

Q Who were you own people? A My family, they were living in Vinita then. xxxX

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jannette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q Where was that town in Kansas that they postmaster called your attention to the treaty being made? A It as in a little town they call Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I can't tell you that.

Q Was it in sight of the line? A In sight; why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '66 you say? A Yes, sir, from time I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '66? A Yes, sir.

Q How do you know when you got back to Kansas? A When I come to the town I know it was Kansas.

Commissioner: How many children have you altogether? A I have five I believe, as well as I can recollect.

Q What are their names; what is the name of the oldest one?

A My oldest one is named John.

Q How old is John? A I don't know just exactly, I can't tell, he

is something in thirty.
Q What is the name of the next child? A George.
Q How old is George? A George I think is thirty something too.
Q The next child? A Fred.
Q How old is Fred? A He is 24 or 25, I just can't remember their ages, I haven't got them down.
Q What is the next child after Fred? A Albert.
Q How old is Albert? A He is about 21 years old.
Q What is the next child? A He is about 12.
Q What is his name, Ernest? A Yes, sir.
Q That is the child you are applying for? A Yes, sir.
Q Where was John born? A John was born in Kansas.
Q Where was George born? A In Kansas.
Q Where was Fred born? A In Kansas.
Q Where was Albert born? A Kansas.
Q Where was Ernest born? A Out here near Chelsea.
Q Are you keeping house in the Cherokee Nation now? A Yes, sir.
Q Where is your house? A My house is out about three miles north of Chelsea..
Q How long have you lived there? A 13 or 14 years, as well as I can recollect.
Q Been living there in that ones house? A Yes, sir.
Q Did you ever keep house before that? A No, not always.
Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
Q Have you any children of your own I mean, you and this wife?
A Yes, sir, I had one.
Q That one is dead? A Yes, sir.
Q What was the name of that child? A She was named Eliza.
Q How old would she be if she was living now? A I can't tell you, she was born before the war.
Q She was older than John? A Yes, sir.
Q Where was she born? A She was born here in the Territory before the war.
Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
Q Is she the child of this woman Sarah? A No, sir.
Q Child of another woman? A Yes, sir, she is dead.
Q That is the first wife you had? A Yes, sir.
Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never have, I brought all my things here in '66, I never had nothing, and left them up on Spring Creek and never got them.
Q Has your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, some times I would send for her and sometimes I would go myself, send her back to her mothers.
Q To Kansas? A Yes, sir, her mother lived there.
Q Sometimes you would take her? A No, I never took her myself nary a time.
Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
Q Now all your information is of an extremely indefinite character; can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1866? A Yes I can tell you.
Q Well, do it? A Well, I tell you.
Q Give me the names of the places and the times you have lived at these places; you have had too much of a family ust to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these children has stayed with their mother, their grandmother, the biggest part of the time.

Q I am talking about you too? A Well maybe I was here working around and sometimes I would work up there in Kansas, I would work sometimes two months or three months and I would come down here.
Q Have you had any settled abiding place at all? A No, sir, not a year at a time.
Q Have you not been stationed at one place for several years?
A No, sir, not since 1866, on up till 1880, no. sir.
Q Not being staying as much as one year at a place? A Yes, I have stayed as m ch as a year.
Q How many times have you stayed at one place as much as one year?
A Many a time but once.
Q When was that? A I can't tell you the year at all, it has been some time ago.
Q Was it before 1880? A I think it was as well as I can remember.
Q Just worked from pillar to post? A Just worked where I could get a job.
Q And your wife not going around on these little trips with you?
A No, sir.
Q Did you ever vote up there in Kansas? A No, sir.
Q Have you anybody here who knows that you and your wife have been married? A Yes, sir.
Q Who is there here? A Tobe Bean.

Tobe Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Tobe Bean.
Q How old are you? A About 62 years old.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Been living here all my life.
Q Do you know this applicant here, Lewis Martin? A Yes, sir.
Q How long have you known him? A Been knowing him forty or fifty years I guess, we were boys together.
Q Do you know his wife? A Yes, sir.
Q What is her name? A Sarah.
Q Was this man ever married except to this woman? A Yes, sir.
Q How many times? A Once is all I know of.
Q Was that wife dead when he married this woman? A Yes, sir.
Q About how long have he and this woman Sarah been married?
A Must be thirty some odd years I guess.
Q Have they been living together ever since as husband and wife?
A Yes, sir, to my knowing.
Q Where did you first know his wife Sarah? A Up in Kansas at Mapleton.
Q Where is she at that time? A She is up on Panther Creek.
Q How long has she been living out there? A I don't know how long she has been living there.
Q How far is that from Vinita? A About twenty miles, out the other side of Chelsea.
Q Has she been living there long? A Yes, sir.
Q Is she keeping house out there? A Yes, sir.
Q Who lives there with her? A Mr. Martin here and his family lives there.
Q Any children living there with them? A Yes, sir.
Q You don't know how long they have been living out there?
A No, sir, I don't know exactly.
Q You think that is twenty miles or some such matter from Vinita?
A Yes, sir.
Q Have they been living there as much as f v years? A Yes, sir, longer than that I guess.
Q They been living there as much as seven years? A Yes, sir, I reckon seven years or longer, been longer I guess, I don't know

exactly when he moved there; I live out east here and he lives west out there.

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a general thing seen this man Lewis Martin, say along for the last twenty years; seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live a good piece apart to see him pretty often.

Q What do you know about his doings along from '66 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '65 or '66, since the war closed? A Out on Pryor Creek I reckon, but he lives a good piece from me, I haven't been keeping the run of him; I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out there on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long, I know he made a crop or two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before he moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Adair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

Lewis Martin, recalled, testified:

Commissioner: The Commission has not yet decided whether a person can acquire rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better ~~make~~ include her in your application. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Wallace roll and on the Kerns-Clifton roll. He is not identified on the roll of 1880 or on the census roll of 1896. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty four or more years ago. The applicant states that he was once

previously married, but this former wife was dead when he married his present wife, and that this present wife was never married except to him. They were married in the State of Kansas. For the further consideration of her rights, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

The child Ernest Martin, said to be 12 years of age, and now living, is identified on the Kerns-Clifton roll, but not upon the census roll of 1896. ~~Inasmuch as this~~ This child will now be listed with his father and mother as a Cherokee Freedman on a doubtful card.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of May, 1901.

[illegible]

Commissioner.

Q Who did you say come over with you? A Well I didn't say that [illegible]
Q You want me to tell all that was there?
Q Yes sir, all that was in that crowd of which you have spoken of [illegible]
Q Have you not mentioned? A Well there was Charles Ken [illegible]
[illegible] Albert Dean, Walter Vann, Dave Van, Dorris Vann,
Young Allen Vann, Jim Dan Albert Vann, Dave Van, Pete Vann, Lizzie
Vann, Mary Lucy Vann, Patsy Vann, Lizzie Robert, Mabe Grey, Jane Vann,
Vann, Mary Jane Hungcove, Jim Hungcove, Jack Dean, Mess Vann, Jane
Vann, there was a [illegible] Allen or [illegible] Vann, Jimmy Vann, that
Martha Vann, Lula Vann, Porta Vann, Young Dan Vann, Jimmy Vann, that
is all I can remember just now, maybe lot more and a lot of little
children I don't remember.
Q You was in power and there? A Yes sir.
Q You I really that you were the majority of that crowd? A. Yes sir.
Q And there were some of those men alone who were 50 and 60 years old
were there? A. Yes sir.
Q The men who were there were mixed in that fight? A. Yes Vann, Pete
Dorris and James Vann, and then John Dean was shot through the [illegible]
Flat Creek.
Q About what part of Horse Creek was that fight? A. [illegible]
Q How far from the Kennedy house? A. I don't know that at that.
Q How far was it from the house? A. [illegible] I [illegible]
Q About how far, 10 or 15 miles? A. I don't know, I [illegible]
Q About how far from where Aaron lived? A I don't know where that is [illegible]
Q Did you go right on after that fight? A. Yes sir.
Q They had been over there [illegible] up five [illegible]
A Yes sir.
Q Did you know every locality that you went to [illegible]
A Right on Horse Creek? A. No sir, [illegible]
Q Well, you didn't locality [illegible]

* * * * * * * * * *

Same. Was Vann, during every battle that he participated in the [illegible]
nion to the Five Civil War Tribes he reported in full all [illegible]
in the above cause and that the foregoing is a full, true and [illegible]
transcript of the stenographic notes thereof.

Subscribed and sworn to before me this the 17th day of June, 1921.

I. T.

SUPPLEMENTAL TESTIMONY • • •

To be filed with C. F. D. 289.

Mellette & Smith for applicant

W.W.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 6th 1901.

GEORGE WESS VANN, called and sworn by Commisioner T. B. Needles, testified as follows for the applicant:

By Smith of counsel for applicant:

Q What is your name? A. George Wess Vann.
Q Where do you live? A. On Virdigris river, Cooweescoowee district,
Q In the Cherokee Nation? A. Yes sir.
Q Are you on the 1880 roll? A. Yes sir.
Q Do you know Lewis Martin? A Yes sir.
Q How far does he live from Chelsea? A. I guess about three miles.
Q About how long has he lived there? A. I dont know how long.
Q How long have you known of his having lived there? A. Since about '79 I think.
Q Were you asked to testify in his case at Vinita? A. Yes sir.
Q Did you go there for that purpose? A. Yes sir but he never went into the tent to apply while I was there, I was on the jury at court and had to go back to court.
Q How long have you known the Lewis ~~XXXX~~ Martin? A. I had seen him a time or two, he came in the same crowd I did in '66.
Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.
Q When was that? A. In '66.
Q Was this man Lewis Martin one of the parties that was with you? A. Yes sir, at that Horse Creek battle.
Q What do you mean by the " Horse creek battle "? A A fight where we had three men killed and one wounded.
Q Who did you fight with? A I dont know, the all run off.
Q Where was that fight? A. On Horse creek, in the Cherokee Nation.
Q Do you know what became of Lewis Martin after the fight? A He went with us to where we lived.
Q Where? A. Spring creek.
Q How long did it take you to go from Horse creek to where you lived on Spring creek? A I dont know exactly, think it was about a day and a quarter.
Q How long did he stay at your place? A. Week or two.
Q Where did he go from there? A. He said he went to Kansas, I saw him two years after that.
Q Where? A. On Grand river.
Q What was he doing there? A. I just saw him there, I was at a camp meeting.
Q The next time you saw him was when? A. The next time I saw him was out here in '79.
Q Where was that? A. On the Virdigris.
Q Where has he been since that? A I have seen him in Cooweescoowee district off and on since.
Q Near what place? A. Chelsea.

By W. W. Hastings for the Cherokee Nation:

Q How old are you? A. 51 years old.
Q Where were you born? A. On Spring creek.
Q Who did you go to Kansas with? A. Went with my uncle Gilbert and a whole raft of colored people, three or four hundred.
Q What point in Kansas were you when you started back here? A. Franklin county, near Osawatomy.

Q Who did you say come back with you? A Well I didn't say this time—do you want me to tell all that was along?
Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was uncle Sam and Eli Vann aunt Clorie Chouteau; Art Bean, Walker Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Patsy Vann, Bill Sanders, Ebbie Shaw, Jess Shaw, Jate Shaw, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Wess Vann, Jess Vann, there was a colored fellow Creek fello along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I dont remember.
Q You was 16 years old then? A. Yes sir.
Q You testify that you were the captain of that crowd? A. Yes sir.
Q And there were some of those men along who were 50 and 60 years old wasn't there? A. Yes sir.
Q Who were the men that were killed in that fight? A. Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.
Q About what part of Horse creek was that fight? A. I dont know.
Q How far from the Kansas line? A. I dont know that either.
Q How far from where it empties into Grand river? A I cant tel you that.
Q About how far, 10 or 15 miles? A. I dont know, I wasn't up at the mouth
Q About how far from where Afton is? A I dont know where that is then.
Q Did you go right on after that fight? A. Yes sir.
Q They had this same question up five years ago before the Bern's court? A Yes sir.
Q Did you then ever testify that you were captain of that crowd and had a fight on Horse creek? A. No sir, they never asked me about it.
Q Well you didn't testify about it? A. No sir.

* * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 12th of June, 1901, at Chelsea I. T.

Commissioner.

F.D. 289.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
AUG 6 1901

[illegible]

[illegible]

[illegible]

File with Cherokee Freedman, D-289, Lewis Martin

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.
Q What is your age? A About 53.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes, sir.
Q Did you go out of the Nation during the war? A No, sir.
Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cochran, was your father living with you in '65? A Yes, sir.
Q When did your father die? A In the fall of '66, he was killed the 22nd of October.
Q Where was he killed? A On the military road at what was known as the Bob Daniels place.
Q How far was that from the place you are living? A It is about three miles.
Q On that side of the Grand River were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob ~~Knisis~~ Knight, who is a witness here in this case
A No, sir, not that time.
Q You didn't know him then? A No, sir.
Q Do you know him now? A Yes, sir.
Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.
Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.
Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have occasion to pass by this same house after that?
A Yes, sir.
Q About how long after this? A It was along in about, I would say about the 10th of 15th of December.
Q Of what year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.
Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.
Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nation?
Mr. Mellette: I object to the question as not material in this case. It is pure hearsay.
Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.
Commissioner: I don't think that is a material question.
Q Did you know of any? A Only just heard of it.
Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Bean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes. sir.
Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.
Mr. Mellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.
Q Wemew you well acquainted up in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.
Q Whose place was that? A It was known as the Knight place, it was vacant though.
Q How often had you been up in that country? A Well, I can't tell you just how often I had.
Q I just want to know how often you had been up in that country?
A I had been to that place three times that year.
Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.
Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.
Q You just passed by these places in question? A Yes, sir.
Q Came right through that country? A Yes, sir, came on the military road.
Q Who did you say was with you? A My father when I first got acquainted with the place.
Q Who was with you the last time? A Tom Thompson and old man Johnson.
Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.
Q Were you driving or riding? A In a wagon.
Q You stopped at the spring and passed on; is that all you did?
A Yes, that was about all we done.
Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was it was in '66, in the fall, or winter.
Q How do you know it was in '66? A I know it, I had a house with me when I came by this place.
Q There has been a good deal of talk about there people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.
Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You say you started out to hunt the people that killed him?
A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes, sir.
Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th of 15th.
Q You remember now it was the 10th of 15th of December? A Yes, sir.
Q How do you ~~xxxx~~ happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.
Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might not it have been in November? A No, sir, it wasn't in November,
Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton Court.
Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.
Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts then.

Q You testified to the same faxts before the Clifton Court you testify to now? A Yes, sir, as near as I can remember.
Q What do you know about it; do you think you gave the same testimony then you do now? A I do.
Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.
Q What year was it? A It was in '66.
Q You are certain of that? A Yes, sir, I let him have the whisk-e to get drunk on.
Q We'l now you know it was in 2 '66 that Mose Bean shot Al Lynch do you, Mose Whitmire shot Al Lynch? A Yes, sir.
Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.
Q Didn't you go down to Dave Rowe's and tell them Mose Whitmire had shot Al Lynch? A No, sir.
Q You didn't? A No, sir.
Q You are certain of that? A Yes, I had nothing to do with it.
Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.
Q You will swear that? A Oh yes, I never carried any such news.
Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.
Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.
Q You hadn't mentioned it down there at all; you knew where Rowe lived, didn't you? A Old man Dave Rowe?
Q How close is it to you? A It is 20 or 25 miles.
Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.
Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.
Mr. Hastings: What official positions, if any, have you held?
A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.
Q Delegate to Washington? A Yes, sir.

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R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A R. D. Knight.
Q What is your age? A 54.
Q Where do you live? A Now, I live in Vinita.
Q How long have you lived there, a number of years? A 25 years.
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.
Q Did you live in the Cherokee Nation before the war? A Yes, sir.
Q You lived in the Cherokee Nation after the war? A Yes, sir.
Q Where was the first place that you lived in the Cherokee Nation after the war? A On Horse Creek.
Q What district is that in? A Delaware district.
Q Was there any road that run by your place at that time? A The old military road, we used to call it.
Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.
Q Where were you taken? A Van Buren.
Q What were you charged with? A Killing some negroes that was passing down the road there.
Q Well, had some negroes passed your place prior to that time?
A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that

A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road run right by it? A Not by the Thompson place

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tobe Bean, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored man up there?

A No, sir.

Q Was that the case you were arrested for? A No, sir.

Q Was that a fact? A No, sir.

Q Never heard them being killed up there? A No, never heard of it

Q Mr. Knight, it seems strange that you would be arrested for [illegible] and not know the names of the men you were charged with [illegible] don't see anything strange about it.

Q Did the officers read the warrant to you? A Well sir, I [illegible] say that, I am not positive as to whether he read the [illegible] it was cold weather, and had their overcoats on [illegible] and came to the door, and when I stepped out to wash [illegible] breakfast, and one with the name Holloway, he came to the [illegible] all around the house, and he came and asked me [illegible]

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[illegible] duly sworn by Commissioner Needles, testi-fied [illegible]

Q What is your name? A J. C. Trott.

Q [illegible] A 62

Q [illegible] A Vinita.

Q [illegible] the Cherokee Nation? A I am.

Q [illegible] Yes, sir.

Q [illegible] you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of [illegible].

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
Q Do you know the applicant, Tobe Bean? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Knight place at that time?
A About four miles.
Mr. Merlette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you start back here in '66? A It was in the spring.
Q In the spring of '66; how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come; come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Now are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q ~~Were~~ They were troops come from Van Buren. did they? A That is what they said.

Arkansas? A Yes, sir.
Q Federal troops? A Yes, sir.
Q Don't you know there were not any troops at Van Buren in '67?
A I don't know anything about it.
Q You say the troops all right, did you? A I did.
Q How many? A Seemed to me like about 20 or 25.
Q White or colored? A White men.
Q Who commanded them? A I don't know that.
Q Where did you see them? A I saw them at my house on Horse Creek.
Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.
Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don'tknow, I have heard it talked about ever since then.
Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1883.
Q '83? A Yes, sir.
Q You don't mean that? A Yes, sir; '63 I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
A I guess it must have been after Christmas.
Q Was that in '62 or '63? A '63.
Q What month in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q You can't hut it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part
Q You are satisfied of that? A I am not satisfied of it positively.
Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I ~~xxxx~~ know about that Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.
Q There has been about three years difference.

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G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

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T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in 52.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boze place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 18.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Bozer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Bozer place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A [illegible] will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not misteken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Bozer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You rememer 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you rememver every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Bozer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation

Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

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Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-212; Joseph Bean, D-215, Lucy Bean, D-290; Lewis Martin, D-289; and Fannie Hight, D-207.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the ~~22~~ 13th of August, 1901.

Commissioner.

No 7D289

File with Cherokee Freedman, D-289, Lewis Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1901.

In the matter of the application of Lewis Martin et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

LEWIS VANN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Lewis Vann.

Q How old are you? A I can't tell my age at all.

Q Well, are you 60 or 65 or 70? A Well I can just guess at it, but then that would not be correct, but I think I am somewhere along about '65 or '75, I don't know.

Q What is your postoffice? A Harding, Kansas.

Q What is your occupation? A Well, when I am home I am a farmer.

Q Where did you live before the war, Mr. Vann? A I lived right on the Grand River close to Chouteau Station, raised there.

Q Did you know a colored man before the war, by the name of Lewis Martin? A Well, I heard of his name but I knew his parents all right, his father and mother, but then to say well acquainted with him, I never got well acquainted with him till he came up here to Kansas.

Q You don't mean here to Vinita? A No, sir, up in Kansas I am acquainted with him.

Mr. Hastings: Well, what was his father's name? A His name was Harry.

Q What was his mother's name? A Celia.

Q Well that is the man I want to talk about; when did you know him in Kansas? A Well now there is something that I don't know right exactly, but I knowed him ever since I was here in Kansas, and I have been up in Kansas ever since '62, and I knowed him from then.

Q Who was he living with when you knew him then? A Why he was living with his father and mother I think, right then.

Q What was he doing? A Well now I can't tell you exactly what he was doing right then, but he learned the blacksmith trade then after that; I can't say right then, but he learned the trade of a blacksmith.

Q What place in Kansas was that? A It was just right above, about a mile from Mapleton I reckon, I don't suppose it would be any farther than a mile from Mapleton.

Q About what time did he leave Mapleton; I mean with reference to the war? A Now that is something I don't know.

Q Was it before or after the war closed? A I don't know when he left there at all; he bought a place there right close, not very far from Mapleton, and he raised one crop on it and he sold it out and went up to Ottawa.

Q Ottawa, Kansas? A Yes, sir.

Q Did he marry around Mapleton? A Yes, sir, he married right there not far from Mapleton, I knew the folks, the woman's father and mother, well the mother anyhow, I knew her well after he married her daughter.

Q Well, did you ever see him up at Ottawa after that? A I saw him there once after that.

Q Well about how long after that? A Now sir that I can't tell

how long it was that I saw him there.

Q Was your son married? A My son was married then.

Q Where was he living? A He was living with me when he got married, and then he moves up to Ottawa, and he wasn't there very long before his woman took sick and wrote for his mother to come and she went and she didn't come back quick as I thought she ought to come back and I goes after her, and I went up there and I goes over to his house.

Q Goes to his house? A Goes to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Did he have his family there? A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, renting.

Q Well, now how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can kinder guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child?

A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but then he is a good size boy, I aint seen him since he was just about so high (indicating) and came off here to the Nation.

Q You don't have no idea when the child was born; as much as 15 years old? A Well, he may be somewhere along 15 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date; what is your best judgment as to his age? A If I knew how old it was when Iwent up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there; had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more for all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from?

A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q How do you know he made one crop? A I don't know; he said so

and showed me his crop.

Q How do you know he just made the one, is what I am trying to get at, and not made any more than one? A I don't know that, only he said his stepson made one crop while he was home where he lived, he said his stepson, he sent him down here to make a crop and then he came, he said his stepson made a crop here and then he came and made one, that is what he told me, that is all I know.

Q That was while the Wallace Court was here? A Yes, sir, first time I saw him I came down to the Wallace Court.

Q Have you any idea when Wallace made that roll, do you know anything about that year? A No, sir, I don't.

Q Don't have no idea about it at all? A No, sir, don't know a thing about it only he made that roll.

Q You know he made it? A Yes, sir, because I came and signed that roll.

Q Where were you living at the time? A I was living up there on Timber Hill, Bourboun County.

Q Kansas? A Yes, sir.

Q Near Mapleton? A Yes, sir; I know where I was living all right.

Mr. Smith: Now Lewis, all you know about it is that you know that at one time Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '66.

Q Where did you go from? A Went from the Cherokee Nation went from down here at Chouteau Station.

Q There wasn't any Chouteau Station then in '66? A No, sir, it has been put there since; I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1866? A No, sir, I don't know the meaning of that '66 any more as a sucking baby, I don't know the meaning of '66; when that man told me that I came here in '62, that is how come I say I come here in '62; he said I come here in '62 because I came here a soldier.

Q Where were you living in 1862? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '62 when this man said I came out in '62, I don't know when I came, he said it was .62 because he was down there.

Q Now do you know when Lewis Martin got married? A I know he got married up there but I can't tell when.

Q Do you know whether it was before the war or after the war or during the war? A He got married, might have been about the time the war came on or maybe after, I don't know now.

Q Well, do you know where Lewis Martin was when the war closed?

A Well, when the war closed, he must have been living right there close to Mapleton.

A Not what he must have been, but what you know about it, what you saw and know yourself; do you know where he was when the war closed?

A I didn't say I know that at all, but I know he was living there when I came, when I was living there he was living there too, it must have been while the war was going on that he lived there, but after that I know he lived there and went up to Ottawa you know.

Q Do you know where he was in the fall of '66? A No, sir, it isn't any more use for you to ask me about '66, not bit more than a baby, because I don't know.

Q Do you know where he was during the year after the war closed?

A I can't tell you that neither.

Q Don't know? A No, sir.

Q You know anything about as to whether he got into a fight or killing scrape down here in the Cherokee Nation shortly after the war?

A I never heard of him getting into any fight or killing.

Q You were not in it? A No, sir.

Q When did you come down here at the Wallace Court, where was

Lewis Martin living in the Cherokee Nation, near what place? A Why I don't think it was more than a mile, maybe, or maybe more than a mile right out east this way, from Vinita.

Q A mile from Vinita? A I don't think it was over a mile, it might have been and might not, but it wasn't very far.

Q Did you go out to his place? A Yes, sir, I went out to his place.

Q How did you go, ride or walk? A I think I went in his wagon I think, I don't know for certain how I went out but I went there all right, went right to his house.

Q You don't know how many different places Lewis Martin has lived in the Cherokee Nation, do you? A Well, I don't know of him living at but that one here and then when he left here he went out and bought a place, I understand, went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

F. D. MYRICK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, please? A F. D. Myrick.

Q How old are you? A I am 64 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Yes, sir.

Q You live in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Myrick, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man we located, I once knew a man by the name of Lewis Martin.

Q Did you know his father? A Yes, sir.

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, knew him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes, sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q Now about what length of time did he work for you? A Well I think it was about a couple of years.

Q Through what period of years? A About '62 and '63.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was quite young, he was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you know where Lewis was married? A Well, I wouldn't say that I do, he married there but it is kind of a dream, I am not positive; of course I was well acquainted with his wife but it has been so long and not paying any attention, I would not be positive that I know.

Q Do you know where he went from Mapleton? A To say I know, I don't, but the report was that he went to Ottawa, and he told me afterwards he lived at Ottawa; that is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or six years afterwards that I saw him.

Q Now do you mean that that was five or six years - - A After he left Mapleton.

Q Now about when do you think he left there, about what years?

A Well I can't tell what year he did leave there.

Q Well, with reference to the close of the war? A Well, it must have been a couple of years after the close of the war that he went to Ottawa; he and his father stayed there anyhow as long as two years after the close of the war before he went to Ottawa.

Q And then you saw him five or six years after that after he went to Ottawa? A Yes, sir.
Q And he told you he was living there at that time? A At Ottawa.
Q Did you ever see him after that? A No, sir, not as I know of.
Q You live at Mapleton? A Yes, sir.
Q Now was you gone from Mapleton any time, say between '73 and '77? A Yes, sir.
Q Where were you? A I was in the Rocky Mountains.
Q Do you remember Lewis' mother? A Lewis' mother, Celia.
Q That is what I want to know, to identify him? A Yes, sir, I was well acquainted with him for a number of years.
Q Where did you see him the five or six years after he left Mapleton that you speak of? A I saw him between my house and Mapleton and just met him on the road and merely addressed him and asked him some few questions, I don't know what, in regard to where he was; he was kind of a stranger then you know; he told me he wasliving at Ottawa.
Q Did he tell you what he was doing? A I don't know, I think that he was running a blacksmith shop.
Q You are not positive about that? A No, I wouldn't be positive.
Q Did you ever see him after that? A No, sir, I never saw him after that.
Q You say that during the last years of the war he worked for you in a shop? A Yes, sir.
Q What were you doing, Mr. Myrick, along the closing years of the war? A Why I was running a mill there and was making flour for the government, I sold flour to the government mostly, and I run a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, we lived right on the trail from Fort Gibson to Lebanon.
Q And Will Martin was Lewis Martin's brother and lived with him? A Yes, sir.
Q What was will Martin's wife named? A Neatie.
Mr. Smith: Mr. Myrick, I believe you stated it was in '63 or '4 that this man was working for you? A Yes, along about that time.
Q Well, where was he in '65? A I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I wouldn't be positive.
Q Well you don't know then where he was in '65? A No, I can't say where he was in '65.
Q Where was he in '66? A I don't know, sir.
Q You know what year it was that he went to Ottawa? A No, sir, I don't, to say know the year that he went to Ottawa, I don't.
Q About what year was it that you last saw Lewis Martin? A That I saw him last; last saw him?
Q Last saw him at all? A After I ~~saw~~ met him coming from Ottawa, oh it must have been five or six years afterwards.
Q Five or six years after the close of the war? A Yes, sir, must have been five or six years after the war.
Q You haven't seen him in that country since? A No, sir.

SMITH EWING, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Smith Ewing.
Q What is your age? A I am going on 81.
Q Where do you live? A Ottawa.
Q Kansas? A Yes, sir.
Q How long have you been living at Ottawa, Kansas? Q Went there in '67, 1867.
Q Did you know a colored man by the name of Lewis Martin? A Yes, sir.
Q Where did you know him? A In Ottawa.

Q When did you first become acquainted with him, first see him there? A In '67.

Q What time did you go to Ottawa in '67? A Went there in March.

Q How soon after you went there was it before you saw Lewis Martin? A April or May one, I am not certain which one; it was along in April or May.

Q A short time after you went there? A Yes, sir.

Q Mr. Ewing, do you know his wife? A Yes, sir.

Q What was her name? A Sarch.

Q Do you know any of his children? A Well, yes.

Q You remember any of their names? A Yes, sir.

Q What was their names? A One was named John, and George.

Q What was Martin doing when you knew him in Ottawa? A Blacksmithing.

Q How long did you know him there? A I knew him four or five years there, maybe longer, I don't know exactly the time that I did know him, I can't just swear to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, or do you know? A No, he didn't have any brother there.

Q Did he have a father, or do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I can't say where he went, I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since; I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away some of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period of time? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him. You know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q What did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him, any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Yes, out of town, I wouldn't know where he was.

Mr. Smith: Well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was two miles.

Q That was along from '67 up for four or five years after '67? A Yes, it was after '67.

Q From that date to this you have never seen him? A No, sir, I have never seen him.

Commissioner: You say you first saw this man in '67? A Yes, sir.

Q Where did you live in '66? A I lived at Ohio City.

Q Where? A That was south of Ottawa.

Q State or Delaware? A Yes, sir.

Q You know where Martin was in '66? A No, I don't know where he was in '66.

Q What brings it to your mind that it was '67 that you saw him? Because I moved to Ottawa in '67.

You know that? A Yes, sir, and there is where I saw him.

Q You recollect dates do you? A Yes, I recollect dates, yes.
Q What year is this? A It is 1900.
Mr. Hastings: Is this the year 1900? A Yes, sir.
Q Even? A Well, it is nineteen hundred, I don't know whether you call it even or not; you know I am no educated man.
Commissioner: Where were you living in 1886? A Ottawa.
Q You been living there ever since '67? A Yes, sir.
Q Living there now? A When I am at home that is right where I live.
Q Your family there? A My family is all dead; well I have no family of my own now.
Mr. Hastings: Do you know what year the war commenced? A Yes, sir.
Q What year? A 1861.
Q What year did it close? A 1865.
Q Now how long after the war closed before you went to Ottawa?
A Why I went to Ottawa in 1867.
Q I want to know how long that was after the war closed? A After it closed, why two years.

D. J. HESSONG, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A D. J. Hessong.
Q What is your age? A I am 51 years old.
Q What is your postoffice? A Mapleton.
Q Kansas? A Mapleton, Kansas, yes, sir.
Q How long have you lived there, Mr. Hessong? A I have lived there since '57, have lived there about 44 years.
Q Do you know a colored man by the name of Lewis Martin? A I did.
Q Where did you know him? A In Mapleton, Kansas.
Q What occupation, if any, was he following? A He was running a blacksmith chop when I knew him.
Q Do you know where he came from up to Mapleton? A I do not.
Q You never heard him say? A Never heard him say.
Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back up there a time or two during the time that he was at Mapleton, and he said he was going on a visit.
Q Do you know about what year he came there to Mapleton? A It must have been about '76, something like that, along there.
Q About how long did he stay there? A Well, when he came back there I am pretty certain it was in '76 and in '77 I went west and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that, I don't remember whether he was there when I came back or not.
Q When did you come back? A I came back that fall and winter, winter of '77.
Q Did you know Martin's wife? A Yes, sir.
Q What was her name? A I believe that they called her Sarah, or something like that; there was two women stayed with him part of the time he was in Mapleton.
Q Did you know his brother? A Will?
Q That is what I am trying to find out? A Yes, I think there was another Martin named Will Martin, said they were brothers.
Q What was Will Martin's profession? A Blacksmithing.
Q Did you meet Lewis Martin's father and mother? A Don't believe I did, no.
Q Did you ever know Lewis Martin before you knew him when he came there in '76? A No, sir.
Q Well, was his family with him when you knew him there in '76?
A Yes, sir, she lived right in town.
Q He worked in a blacksmith shop? A Yes, sir, him and his brother

run a shop there in town.
Q You haven't seen him since? A I have not.
Mr. Smith: Mr. Hessong, you don't know where he came from when he came to Mapleton that time? A No, sir.
Q You don't know where he had been living before he came there?
A No, sir.

JOHN CROSS, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A John Cross.
Q What is your age, Mr. Cross? A 62.
Q Where do you live? A Mapleton.
Q Kansas? A Bourboun County, yes, sir.
Q How long have you lived there? A I lived there since '62.
Q Did you ever know a colored man by the name of Lewis Martin?
A Yes.
Q What was his occupation, what did he do? A He was a blacksmith.
Q When did you know him? A Well I know him in about, let's see, must have been '75 or '76, right along there sometime; of course I knew him before that but I wasn't acquainted with him, I knew of him.
Q You knew him before that? A Yes, but I wasn't acquainted with him at all.
Q When did you know him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.
Q Did you know his father? A Yes, sir.
Q What was his name A Well I don't know his name, don't recollect, he was a very old man, his father was.
Q You don't know his mother's name? A I did, but I don't remember it now; Celia; no, it wasn't Celia, I don't recollect it.
Q Well, did you know his brother? A William?
Q I am asking you? A Yes, I knew him better than I did Lewis.
Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '64 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.
Q You know what became of him then? A No. I do not, in the spring of '77 I went to Colorado and I didn't get back till that fall, and he was gone.
Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '75 or '6.
Q Did he have a wife? A Yes.
Q Living with her? A Yes, sir.
Q You know whether he had any other family or not? A No, I do not.
Q Well, have you ever seen him since? A No, sir, I haven't seed him since.
Mr. Smith: So, Mr. Cross, as I understand you, you knew this man then about '62? A Why that is when they first came there, I think about that, but still I wasn't - -
Q Do you know whether he married there at Mapleton? A No, I do not, I don't know a thing about it.
Q Do you know whether he was a single man or a married man when you first became acquainted with him? A I think he was a single man when he came there.
Q Do you remember was he married in a couple of years after he came there or not? A He was married when he run a shop there, he was married and had a family.
Q That was when? A In '75 or '6.
Q But do you have any recollection as to whether he was married before the war closed? A No, I do not
Q Well, now you missed him from there along about the time the war closed, did you? A Yes.
Q Now when did you first see him back there after the time that you

missed him? A I don't recollect of seeing him till he came there and went to work in the blacksmith shop.

Q Now about what year was it that you missed him away from there?

A Well I don't recollect, I didn't pay no attention to it at all.

Q About the time the war closed? A Why I suppose, yes.

Mr. Hastings: Do you have any distinct recollection about the first time you missed him from there? A No, I do not.

Q You wasn't well acquainted with him then? A No, I wasn't well acquainted with him.

LEWIS VANN, recalled by applicant, testified as follows:

Mr. Smith: You were on the stand this morning in this case, were you Mr. Vann? A Yes, sir.

Q Now then, did I understand you to say that you never heard of that fight that I asked you about this morning in 1866 in the Cherokee Nation, the Horse Creek fight? A No, sir, I don't know nothing about that.

Q Didn't you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I know that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war ceased, he went down there and got killed and that kept the balance of us from coming

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Wasn't Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this man leave with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniel

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

Q When they left why I was up here in Kansas, up in Kansas, up to Mapleton, in Bourboun County.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Now don't you know Lewis Martin came down here, moved back here?

A Of course he came down here.

Q When? A Well now that is something I can't tell you when, but I know he come.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others came, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not, I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q Why did you say this morning that you never heard of that fight at all? A That fight you are talking about, I didn't understand that fight, but now since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

Q Did anybody that left up there come back, any of the colored people? A Now sir that is something I don't know either because I know all the balance that was with them, they went on after they got killed, they went on.

Q Did any of those that left Kansas at that time come back to Kansas? A I can't tell you not a thing about that, sir, no, sir, I can't.

Mr. Hastings: You were not in the fight? A No, sir, I was at home in Kansas and just heard about it.

Q All you know about it is just what you heard? A Yes, sir, about they killing him down there and him never coming back.

Q I believe you testified most positively you didn't know a thing about dates this morning, didn't you? A Well, I don't,

Q You didn't know a date this morning? A I don't know no dates about nothing about that but when anybody asks me about the name of anyone that I know of course I know them, but then to come to dates I didn't know no more than a child.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedmen cases D-656, D-657, D-658, D-911, and D-940.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of October, 1901.

Commissioner.

3028

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED
OCT 30 1901

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File with Cherokee Freedman D-288, Lewis Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.
Mr. Mellette: I am going to offer some additional testimony.
Mr. Hastings: What for?
Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.
Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A Mary Brown.
Q How old are you, Mrs. Brown? A I don't know my age exactly.
Q Give an idea? A About 60.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.
Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.
Q How long have you lived on Grand River? A About 17 years, down there.
Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.
Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.
Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.
Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.
Q How did you first learn of that? A There was some menw came to my house to stay all night.
Q Who were they? A Kinch West and a band of men.
Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.
Q How many were in that party? A I can't tell you positive.
Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.
Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.
Q Where wasf that? A Somewhere on the Military road near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that Kinch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home as I saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '65.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifty one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the nineth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was a distance, was it? A About ten or twelve miles.

Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

Tom D. Thacker

Commissioner.

A 30289

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 30 1901

File with Lewis Martin et al., C. F. D. 289.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 33rd, 1901.

In the matter of the application of Lewis Martin et al., C. F. D.289

SUPPLEMENTAL TESTIMONY.

Appearances:
James S. Davenport for Cherokee Nation
Mellette & Smith for applicant.

H. C. HARFORD, being first duly sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:
(By Davenport)
Q What is your name? A H. C. Harford.
Q How old are you? A 44.
Q What is your post office address? A Ottowa, Kansas, Franklin County
Q How long have you lived there? A Since June, '65--1865.
Q Since you have been living at Ottowa Kansas, did you become acquainted with a colored family named Martin? A Yes sir.
Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.
Q What was his wife's name? A Sarah.
Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.
Q When did you first become acquainted with Lou Martin? A In '68 or '70.
Q Where were they living when you first became acquainted with them? A They lived in the same block I did in Ottowa, on Poplar Street.
Q How long did they live there after you became acquainted with them? A About four years.
(By Smith)
Q What was the oldest one of his boys? A Will
Q Which is the next oldest? A John.
Q Which was the youngest? A Fred.
Q What did the old man do there? A He was a blacksmith.
Q Do you know that that is the same man that is applying for enrollment in this case? A I know that Lou Martin has applied.
Q How do you know? A From what I heard.
Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.
Q I ask you if you are swearing from what you know or from what you have heard? A I dont know that he has applied, positively, I just heard he had.
Q Then you dont know positively that the man you are swearing about is the man that has applied or not? A No sir I dont.
Q You didn't know him until '68 or 70? A No sir.
Q Where did he come from to Kansas ? A He came from Mapleton to Ottowa.
Q Where did you come from to Ottowa? A I came from Brown County, Indiana.
Q Did you ever live in Mapleton Kansas? A No sir.
Q Was Ottowa the first place you ever lived in Kansas? A Yes sir.
Q Have you never been away since you came there? A Only for two or three months at a time.
Q You have never seen Lou Martin since '70? Not since he left there.
Q When was that? A '75 or 6.
Q How long did you say he lived there? A I was acquainted with him four, five or six years.
Q Was he there when you got there? A No sir, three or four years after I got there he came there, maybe four or five years after.
Q Which was it, three or five? A I didn't keep any dates as to when he came, but it was from '68 to '70 some time along there when he

come; I landed there in '65.

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This will be filed in Cherokee Freedman Cases, D-289; D-656; D-657; D-658; D-911; D-940 ~~and~~

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 24th of October, 1901.

C. R. Breckinridge

Commissioner.

File with Cherokee Freedmen D-289, Lewis Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants;

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A N. B. Rowe.

Q What is your postoffice, Mr. Rowe? A Rose.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Colbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned?

A I don't know, I never counted them.

Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.

Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?

A Yes, Spring Creek George was there.

Q Was he one of the men who helped bury these colored men?

A Yes, sir.

Mr. Hastings: You are not positive, are you Mr. Howe, as to the year? A That is the best of my knowledge, that it was '66.

Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '66.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

8 0289

COMMONWEALTH
FILED
APR 14 1902
ATTORNEY GENERAL

To be filed with C. F. D-222.

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C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q How do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q That year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent,-

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q That information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q That year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides?

A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q AndI sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur G Cronniger

Subscribed and sworn to before me this 12th day of April, 1902.

Philip Porter
Notary Public.

(COPY)

To be filed in the case of Lewis Martin, et al., Cherokee Freedmen D 289.

Testimony of TOBE BEAN given at Vinita, I. T., September 21, 1903, in the application of FANNIE HIGHT for enrollment as a Cherokee Freedman, Cherokee Freedmen D 207.

TOBE BEAN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Tobe Bean.
Q How old are you? A Must be about sixty-seven years old, I guess.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Are you acquainted with the applicant in this case, Fannie Hight?
A Yes sir.
Q How long have you known her? A Ever since she was a small girl.
Q Did you know her before the war? A Yes sir.
Q Where did she go during the war? A Went to Kansas.
Q Who did she return with? A Me.
Q When? A In '66.
Q What time of the year? A Before Christmas, sometime in the fall before.
Q Was it after July and before Christmas? A Yes sir, it was after July.
Q Name all the people that came back with you at that time?
A I can't name them all.
Q Name all you can remember?
A Me, Tobe Bean, Joe Bean, Jake Bean, Sandy Bean.
Q Anybody else? A Arch Bean, Fannie Vann, Morgan Bean.
Q Fannie Vann, is that this applicant? A Yes sir.
Q Where did you come to in the Cherokee Nation? A On Grand River.
Q Where did you leave Fannie Vann, or Fannie Hight?
A When she left me I came here to Gibson to her father.
Q How many trips did you make back from Kansas after the war?
A In '66 I made two.
Q When did you make the first one? A In September some time, I think.
Q When did you come down the second time? A It must have been October, I guess, I just made the trip there and back.
Q Did you come down any more prior to January 19, 1867? Make any more trips after that trip in October and September?
A Yes sir, I made seven trips after that.
Q When was the third trip? A It was a year afterwards, I guess.
Q That was along in the fall of 1867 then, was it? A Yes sir.
Q On which one of those trips did Fannie Hight come with you?
A The second.
Q Do you know where Fannie Hight, or Fannie Vann, was living in 1880? This woman, do you know where she was living? A She must have lived at Fort Gibson. I don't recollect, but she went down there with me.
Q What was her name at that time? A Fannie Vann.
Q Did you know any other Fannie Vann in Illinois District?
A No sir, I didn't.

Q How did she get the name of Vann? A Her father was a Vann, and she went by her father's name.
Q She afterwards married a man by the name of Hight? A Yes sir.
Q Where has she been living since the close of the war?
A Lived at Gibson a while, then lived on Grand River.
Q Has she ever been out of the Cherokee Nation?
A Not as I know of.

MR. HASTINGS: Where was she living in Kansas,Tobe?
A Living in Anderson County.
Q Near what town? A Garnett.
Q How far is Garnett from the Cherokee line? A It must be about 100 miles, I guess.
Q What time do you claim your first trip was down here after the war? A September.
Q You claim to have been in that Horse Creek fight? A Yes sir.
Q Where was that Horse Creek fight? A On Horse Creek.
Q At whose place? A Close to old man Knight's. I don't know who owns it now.
Q Did you see Bob Knight there at that time? A Never seen him.
Q Did you see anybody? A No sir, the bushwhackers didn't give me any time. I picked up and run. You would have run too if they had been shooting at you. They shot me once in the arm.
Q You were shot in the left arm? A Yes sir.
Q Break your arm? A No sir.
Q Where did you go from there? A Come on down Cabin Creek, on to Spring Creek.
Q Went to Cabin Creek? A Yes sir.
Q Have any women with you on that trip? A Yes sir.
Q Who did you have with you? A One of the women is outthere now. Her name is Abbie Shaw, and old man Sanders (?) family.
Q Any other women? A Yes sir, a lot of women. Old Aunt Mary Musgrove.
Q She was along? A Yes sir, and Sarah Murrell and Susan Bowles.
Q Where did you and the women go, on down to Saline District?
A Yes sir.
Q All of you go to Saline? A Yes sir, but two died, women, and we buried them, buried one on the old convention place there.
Q What two were killed? A Philip Daniels, Jesse Vann and Wes Vann, them of them killed.
Q To whose place did you come, down in Saline?
A Went to Kate Williams'.
Q How long did you stay there? A Three or four days.
Q Where then? A Over to Dave Vann's place, stayed there and then came on to Cabin Creek and stayed about a week at the old Charles Landrum place.
Q Who was living there at that time? A Crap Lynch.
Q Anybody else? A Crap and Art and his mother.
Q Where did you go from there? A Went back to Kansas.
Q Were you in wagons or on horseback? A Wagons.
Q Did you all go back to Kansas? A No sir, all didn't. Me and Jake Bean and George Bean and Martin went back.
Q Horseback? A No sir, in wagons.
Q Who come along with you at the time that Fannie Hight come out, that trip? A Her mother and father and Art.
Q Did Fannie's mother and father come? A No sir, her father was down here all the while.
Q I thought you said her mother and father? A No sir, my mother and father.

Q What was their names? A Rachel Bean and Samuel Bean.
Q When did your wife come? A She came with me that trip.
Q Was Tom Mayfield along that trip? A Yes sir.
Q Old man Tom down here? A Yes sir.
Q Whose place did you stop at when you come along down here on that trip? A Stopped at Crap Lynch's.
Q Did you come by Lewis Kell's place that time?
A No sir, I don't think we did. I think we went the road that turned off before you get there, across the prairie.
Q You don't remember camping there that day?
A No sir, we didn't camp there that day.
Q You are certain that Tom Mayfield was along with you that time?
A No sir, I am not certain. It may have been the third trip. I wouldn't be certain it was the second one.
Q How long did you stay down here on the second trip?
A Stayed until just about Christmas.
Q Who went back with you when you went to make the third trip?
A Joe Bean and Jake Bean.
Q About the same crowd of fellows? A Yes sir, the same ones.
Q Who came with you on that third trip?
A I don't know, a whole lot of us come, I don't know who all was along.
Q Well, was Tom Mayfield along that third trip? A I can't recollect. I believe he was though. I know Columbus Rogers was along.
Q You are not certain when the third trip was, are you?
A No, I know it is some trip. I don't know what trip it was. We went backwards and forwards a number of times.
Q You went backwards and forwards a number of trips since the war?
A Yes sir, I aint been back for a number of years though.
Q You don't know just when it was that Uncle Tom Mayfield came with you? A No sir, I don't remember just what trip it was.
Q Do you remember when you came of camping by Lewis Kell'splace and waiting for the river to run down? A We camped right at the river at the old Charles place.
Q That was when Mayfield came with you? A Yes sir.
Q That wasn't your second trip down here? A No sir, I don't think it was.
Q That was some of those other trips when you brought Tom Mayfield you camped there? A There was always some crowd coming, didn't try to keep account.
Q Did you know Carney Kell? A Yes sir, used to know him.
Q When was the first time you ever saw him after the war?
A I can't tell you exactly when was the last time.
Q When was the first time? When was the first time you ever saw Lewis Kell after the war? A It must have been about '67, I guess, somewheres along there.
Q You saw that's the first time you ever saw him?
A The first time I can recollect.
Q In the fall of '67? A I guess it was in the fall.
Q That was the first time you ever recollect seeing Lewis Kell and Carney Kell? A Yes sir, that's the first time I ever recollect seeing them.
Q Was that the time you and Tom Mayfield camped there on the bank of the river, when you first saw him? A Never saw him before that time, it wasn't the first time I saw him, didn't see him then. I don't believe I saw him until in the spring, I camped over there to his place.
Q It was after that, you and Tom came along, that you saw him?
A I don't know whether it was afterwards or before then. Mr. Landrum was living at the Kell place, and Mr. Moorem, I think the name was, had a store there the first time I came there.

Q Who did the applicant, Fannie Hight, live with after she came down? A Lived with me before, she came from her father's.
Q How long did she stay with you before she went to her father's?
A About a month, I guess, then I carried her to her father's.
Q How long did she stay with her father before she came back up and lived with you? A I don't know, two or three years, I guess.
Q Had she come back up to your place before the smallpox?
A Yes sir.
Q How long? A Three or four years.
Q Three or four years? A Yes sir.
Q They had the smallpox in 1883, didn't they?
A I don't know when it was, must have been along there.
Q Then she had been at your place three or four years, and for three or four years before that she had been down with her father?
A I don't know how long she had been with her father.
Q You are not very good on dates? A No sir, never had a chance like you. I was a slave and had to work.
Q What year did Wallace make this roll here? A I can't recollect that.
Q What year did you make your first application to the Dawes Commission out here? A I don't know, I have forgotten.
Q When did you apply to the Kern-Clifton Commission?
A It must have been '92, I guess. I don't know, I forgot. I can't keep dates.
Q What year is this? A It must be about 1901, I guess. I don't know good.
Q You don't know? A Not good.

BY COMMISSION: Who were in that Horse Creek fight with you?
A Wes Vann, Cull Daniels, and Jess Vann, we four was together when the men ran on us. There was a whole crowd in the wagons behind us, Sam Vann, Jake Bean, and they came up and began shooting.
Q Name some of those behind you in the same crowd.
A George Vann, Eli Vann, Gilbert Vann, and a young fellow they called Boots, and blind Ellis he was along.
Q Can you name any more of them? A Jess Shaw, Ibbie Shaw, Patsy Daniels, Phyllis Bean, Lou Bean and Susie Bowles, and a lot of children, I don't know the childrens' names.
Q Were there any women and children with you at that time?
A Yes sir, behind in the wagons.
Q How long had you all been in the Cherokee Nation at the time that happened? A We were just coming in, had been over the line about half a day, I guess.
Q Did some of them go back to Kansas? A Yes sir, I went back, after we come on down here to Spring Creek and stayed there a while.
Q Some of you went into Kansas, and some of you come down here?
A No sir, all come down here and located down on Spring Creek. Some went as far as Gibson and fooled around and turned around and went back to Kansas. We Bean boys went back, and Lew Martin. Gilbert and his outfit was located on Spring Creek and stayed there.

MR. HASTINGS: Then this George W. Vann wasn't in this fight at all?
A George Vann, he was right there in the wagons.
Q He was behind with the wagons? A Yes sir, all back with the wagons. They were behind us.
Q You was in the advance, you and Wes Vann, Jess Vann and Phil Daniels. Who else now, was in the advance when the shooting commenced? A We four was together. There was some way ahead of them. I think it was old Aunt Chiora Chouteau.

Q Then the fight was between you four and some parties out there.
A Between us four?
Q Yes, you four and whoever it was shooting at you? The rest of your crowd was about a quarter behind? A Some men was in the bushes and commenced shooting at us. I never had anything to shoot with. One man had a pistol buckled on, I think, two of them.
Q White men? A White men, Indians or something.
Q Shooting at you? A Yes sir.
Q George Vann wasn't with you in the crowd? A No sir, he was off a little ways. I don't know whether it was a quarter or not. Just coming along like they do travel.
Q He wasn't in the fight with you? A No sir, wasn't fighting, they rode up and began shooting.
Q The rest of you ran? A I was the only one that ran. The rest of them never had no chance. The rest of them went back to the wagons to get their guns.
Q You elected George Vann captain? A They just called him captain.
Q Where did you elect him captain? A They called him captain when I got in the crowd. I got in the crowd at Fort Scott.
Q He was about sixteen years old, wasn't he? A I don't know how old he was.
Q He was just a young boy, wasn't he? A Grown man.
Q A whole lot of you older men had been in the army?
A I had never been in the army.

MR. BELL: What time in September was that Horse Creek fight?
A Along pretty early, along towards the first of September.
Q Wasn't it in the last of September? A I think it was along towards the first.
Q Did you come to Gibson before you went back? A No sir, never no further than Spring Creek.
Q You stayed there about two weeks? A About a week, I expect.
Q You were two places, one place a week, and how long did you stay at the other place. A A couple of days.
Q How long did you stay up here before you started again?
A Here on Cabin Creek? About three days. Just come up here on Cabin Creek, helped Crap gather some corn, and went on to Kansas.
Q Do you know about what month it was when you got back to Fort Scott? A No sir.
Q How long did you stay up there before you started back?
A About two or three weeks.
Q What is the distance, you think, from Spring Creek? You went to Garnett? A Yes sir.
Q What is the distance from Spring Creek to Garnett?
A It must be about 150 miles, or something along there.

H. L. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and correct copy of the original transcript.

H L Vance

Subscribed and sworn to before me this 20th day of October, 1903.

William Mansfield
Notary Public.

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Chero. C. F. D-289.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

Supplemental testimony and proceedings in the matter of the application of NEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows.

Mr. Hastings: What is your name? A E. J. Clayton.
Q What is your age? A I was 58 years old the 22d day of February last.
Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Oneada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 12th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think, I forget just now. He died there about that time, right south of me right on Roach's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen himthere, but never knew anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Peyt. I think he was older than Bill or Lou either one. Peyt was the next one.
Q How long did you know Tobe? A Until about 1876.
Q He was a brother to Louis and Bill Martin? A Yes sir.
Q And a brother to Peyton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow, I forget which. 1.

Q Did he run away?
A Yes, but they caught him and brought him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.
Q That was in 1869? A Yes sir.
Q Did you know him continuously from 1867 to 1869.
A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
Q Did you know Peyt's wife? A Yes sir.
Q Did you know who he married?
A A girl by the name Hannah Sheals.
Q Do you know a brother of Oneatie Martin's, Jack Bean?
A Yes sir, I know him too.
Q When did you first know him?
A It could not have been later than the middle of September, 1867.
Q How long did you know Jack Bean? A He left there in 1868.
Q Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
Q He had a family? A Yes sir, he said he had, I never seen his family to know them.
Q Did you know a colored man by the name of Tobe Bean?
A Yes sir. He was a brother to this Martin's wife, he said.
Q How long did you continue to know Tobe Bean up there?
A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Oneatie, worked together in the shop in the fall of 1867? A Yes sir.
Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.
Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.
Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
Q You will swear that it was the Tobe Bean you know?
A Yes sir, the brother of Oneadie Martin.
Q When did you know him first?
A He was there around the shop all, the winter of 1867, pretty much.
Q The winter of 1866 and 1867, you mean?
A No sir, I was not here, it was 1867.
Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.
Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
Q When did Oneadie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
Q You said 1877? A. I said it was in 1877 when she come to the Cherokee Nation, 1877 or 1878.
Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.
Q Where was Oneadie Martin in 1867?
A Lived on Roach's place, right south of Mapleton there.
Q Did she come to the Cherokee Nation in the fall of 1866?
A I was not here in 1866. 2.

Q When did you move to Kansas? A Moved in 1867.
Q Was Neadie Martin in Kansas when you come there? A I think she was.
Q Do you remember her? A Yes sir.
Q How long ago has it been? Q Since 1867?
A Thirty-three or -four years.
Q When were you first asked to remember back that far as to these people?
A Never asked to remember back to these people.
Q When were you first talked to about being a witness in this case?
A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
A A week or two ago, I guess.
Q You have not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir.
Q That is a long time to remember? A I guess it is.
Q You keep in your mind clearly all the names of these different colored people, do you?
A Yes, and a whole slough more of them that live there.
Q Why do you remember their names so distinctly?
A They worked for me. This Neadie Martin washed for my wife.
Q You remember Tobe? He is a brother to Bill Martin?
A I think he was the oldest one of them.
Q What county was that in? A Bourbon County, Kansas.
Q How far from the Cherokee Line? A About 75 miles.
Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
A I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter.
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too?
A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-388, D-389, D-390, D-412, D-205, D-289, D-656, D-657, D-658, D-911, D-940, D-304, D-313, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

 Wm. Hutchinson.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the above copy and that the same is a true and complete copy of the original.

D. L. Rothenberg

Subscribed and sworn to before me this 14th day of April, 1902.

Philip F. Hunter

Notary Public.

AUG 1 1

Freed D 860

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellete & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lewis Martin, D 289;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in whihh to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

CUT-2869

Cherokee F.D. 289.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., September 23, 1903.

SUPPLEMENTAL TESTIMONY and proceedings in the matter of the application for the enrollment of Lewis Martin et al., as Cherokee freedmen.

Appearances:
Louis T. Brown, Atty for applicant;
W. W. Hastings, J. S. Davenport and L. B. Bell, Attys. for Cherokee Nation.

Mr. Brown: After looking over the evidence I find that Mr. Vann has testified in this case before, so I just want to make a request.

The applicant desires that the testimony of Tobe Bean taken September 21, 1903, in the matter of the application of Fannie Hight, Cherokee freedmen doubtful case, 207, be filed with and made a part of the record in this case, and we desire to submit the case without further evidence.

BY COMMISSION: On the part of the Commission we want some further evidence in this case as to residence.

MR. BROWN: The applicant has testified himself and also Mr. Vann here, as to his residence, and I don't know what further testimony we can get, I will talk to the applicant and see.

BY COMMISSION: I judge from this note that he has been out at different times.

BY HASTINGS: All his children born in Kansas.

BY COMMISSION: The applicant will be the best one as to his residence.

BY BROWN: Comes now the applicant and objects to his being re-cross-examined on the question of residence for the reason that he has already testified to those points, as also other witnesses as shown by the record; and for the further reason that this case was finally submitted to this Commission on the 31st day of May, 1902.

LEWIS MARTIN, being first duly sworn, testified as follows:

BY COMMISSION: What is your name? A Lewis Martin.
Q How old are you? A I am about 66 years old.
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation?
A I have lived here about; I have had a home, that is on the farm, about 15 years.

Q In what district? A In Cooweescoowee.
Q Have you lived in Cooweescoowee district continuously for the past 15 years? A Yes sir, about 15 as well as I can remember.
Q Where did you live before that? A I lived here 2 years, that is around Vinita here. On farm. That is, I never had no home before that, only claimed on Pryor Creek, but I never built on because I wasn't able to. I got to bush whacking and was afraid to setle and my wife was afraid of her life here.
Q Did you ever leave the Cherokee Nation since the war?
A yes sir.
Q When did you leave here, I am talking about after the war?
A Yes sir, after the war I left here in '68 once.
Q Where did you go? A Went to Kansas.
Q How long did you saty in Kansas? A Six or eight months.
Q Did you take your property and effects with you at that time?
A No sir, left them all here.
Q Did you have property here at that time? A yes sir, I had my bedding and some cooking utensils and tools, thats all I had but my wife.
Q You were married at that time, were you? A Yes sir.
Q What is the longest time you have ever lived out of the Cherokee Nationsince the war? A The longest time I think wasn't over 8 months right straight.
Q Where did you live then , during those 8 months?
A I lived a while in Ottawa, a little town called Ottawa.
Q Ottawa, Kansas? A yes sir.
Q Did you ever live in Kansas after that? A No sir, I satyed there, never had no home there; stayed there and worked there. My wife stayed there and schooled the children there.
Q Did you keep house there? A No, she lived with her mother.
Q How long did your wife stay there? A Possibly 6 or 7 years off and on before she came back. She wouldn't live here.
Q Did your wife and children live there during those 7 or 8 years
A The children came down but they lived there. Went to school and come back and forth.
Q Was your household furniture up there? A No sir, we stayed with her mother.
Q Did you have any property down here at that time?
A Yes sir, I had a claim and some things I brought down with me Never did bring them back.
Q What kind of a claim? A Just logs laid up like the Cherokees use to lay up.
Q Farm? A No, it wasn't no farm; just burnt off for a farm.
Q Did you get any rent out of it? A No sir, didn't get any rents out of it.
Q Did you ever vote in Kansas? A No sir.
Q Never took any part in any elections up there? A No sir.
Q Is Ernest Martin your son? A yes sir.
Q How long have you lived in the Cherokee Nation?
A More than 14 years. He was here ever since he was born.
Q How long has your wife Sarah, lived in the Cherokee Nation?
A She has been here about 16 years I guess, since we come here to live.

MR. BROWN: When did you returne to the Cherokee Nation for the first time after the war? A In '66.
Q What time in '66? A Along about September, I don't know just the date, along in September.
Q Who, if anyone, returned with you? A George Vann, Tobe Bean, Joe Bean, Philip Vann and Philip Downing, Jesse McNair, Gilbert Vann and his family.
Q Were you in what was known as the Horse Creek fight? A Yes sir.
Q When did that fight occur. A Ocurred in September, along about '66.

Q Where? A On Horse Creek.
Q Horse Creek in the Cherokee Nation? A yes sir, in the Cherokee Nation.
Q Have you been voting in the Cherokee Nation? A Yes sir.

MR. HASTINGS: Where did you come when you first come down?
A The first place I went to was Katy Williams, on Spring Creek.
Q Did you come down horse back that time? A No sir, come down in a wagon.
Q Was your wife with you? A No sir, come down after that.
Q Where was your wife at that time, a In Kansas.
Q Had you any children born at that time? A Yes sir, had one
Q What was its name? A John.
Q Born in Kansas? A Yes sir.
Q How long did you remain here that time? A I remained here, I don't known just exactly how long.
Q Lets have your best judgment? A About 2 or 3 months as well as I can recollect; I don't know it has been so long I can't hardly recollect.
Q Stayed here until after Christmas of that year? A I don't think I did.
Q You went back to Kansas? A I went back to Kansas, yes sir.
Q You started a claim that time? A No, I had one already; no, I didn't start any claim, not then.
Q You went on back to where your wife was? A Yes sir.
Q And your child? A Yes sir.
Q What town did thy live in then? A Ottawa.
Q What is your wife's name? A Sarah.
Q Do you know F. D. Meyrick? A Yes sir.
Q Do you know Smith Ewing? A Yes sir.
Q Do you know D. J. Hessong? A I don't believe I do.
Q Do you know John Cross? A Ye sir.
Q You and your wife kept house in Ottawa, Kansas? A No sir.
Q You didn't? A No sir.
Q How did you live there? A With my wife's mother, she was a State raised woman.
Q When did you come back to the Cherokee Nation after that time?
A In the fall. That same winter that I went back, that same winter.
Q Who did you come back with the second time?
A The seconf time I come back with my brother-in-law.
Q What's his name? A Frank Smith.
Q Wh re did you come to that time? A Here on Grand River.
Q Did you bring your wife with you that time? A No sir, I didnt
Q How long did you stay that time, when you come with Frank Smith? A I stayed here, I don't know, 4 or 5 months.
Q With your wife up in Kansas? A Yes sir, because I was afraid to go back.
Q Why? A Because my brother-in-law went off and left me and I couldn't go back alone.
Q You was waiting for a chance to go back? A yes sir.
Q As soon as you could you went back? A I went back to see her, yes sir.
Q She was living in Ottawa, Kansas? A Yes sir.
Q When was the third time you made the trip down here?
A I just told you I don't remember now, but I wasn't out of here 6 months.
Q Lewis, don't you know as a matter of fact you wasn't here for 25 years? A No sir, I don't.
Q Where did you keep house in the Cherokee Nation? A Here in town.
Q Vinita, A Yes sir.
Q Live in a house here? A Yes sir, I lived in a house here.
Q You and your wife? A Yes sir.
Q This is the first house you had ever occupied in the Cherokee Nation since the war? A First house.

Q The first house you ever kept was in Vinita, in the Cherokee Nation aftemx the war, in the Cherokee Nation? A No sir.
Q Where did you keep house before? A Up bn a farm here, to Mr Tuttle's.
Q How long was that before you kept house in Vinita?
A A year before I think it was.
Q That was you and your wife? A yes sir.
Q Where did you and your wife come from when you went to keeping house at Tuttle's? A brought my wife from Kansas.
Q Ottawa, Kansas? A Yes sir.
Q That is the first time you and your wife ever saw the Cherokee Nation? A No it isn't.
Q When was it that you come to Tuttle's and kept house?
A I don't know what year it was; I don't know just what year it was.
Q Lets see about your children, how many have you?
A About five.
Q What's the oldest one's name? A I have got six with my step-son, Bill.
Q What is the oldest one's name? A Bill.
Q Where was he born? A Fort Scott.
Q What's the next one's name? A John, born at Ottawa.
Q What's the next one? A George.
Q Where was he born? A Ottawa.
Q What's the next one? A Fred, born at Ottawa.
Q Whates the next one? A Allie, born at Ottawa.
Q What's the next one? Got another? A Ernest.
Q Is that the last one? A Yes sir.
Q How old is Ernest? A Going on 15.
Q Where was Ernest born? A Out on Panther Creek.
Q What's the next one to Ernest? A There ain't one next to Ernest.
Q Next one older than Ernest? A Allie.
Q How old is Allie? A I think 19 or 20 years old, I don't recollect.
Q Allie was born when your wife come down here? A Allie was the baby when she first come.
Q You are certain of that? A Yes sir.
Q Before that she had lived in Ottawa? A Stayed there, yes sir.
Q Now, with reference to your little claim out on Pryor Creek, what did you do with that? A I jus occupied and improved it, put up a foundation and kept it from running out, and had a well built.
Q Did you go down there every six months and put up a foundation and have a well built? A I didn't just exactly do that, but I went down there and kept it from runing out, that's the way every body done.
Q Every six months you went down to Pryor Creek to renew your claim? A I renewed it, yes sir.
Q Where was that claim? A On Pryor Creek.
Q Near whose place was it? A It was right near my brother's place.
Q What is your brother's name? A Frederick.
Q Frederick Martin? A yes sir.
Q Every six months you would come from Kansas, come down to Pryor Creek, and renew your claim? A I didn't just do it every six months, I renewed it.
Q You have got your claim now? A Charley Martin is on it.
Q We didn't pay you nothing for it? A Just took it up on the public domain? A Just took it up.
Q When did he take it up? A I don't know just when he did.
Q Twenty years ago? A I don't kno just exactly whether its 20 or not.
Q 25 or 30 years ago? A It was about '66 I think as well as I can remember.
Q What is the next year after '66? A I tell you, I don't know.
Q What is the year before '66? A No, it wasn't before '56. I am fool enough but I am not that big a fool.

Q You and your wife never kept house in the Cherokee Nation until you kept it here at Tuttle's after Allie was born?
A I tell you that the reason I didn't keep house I got to bush-whacking and my wife lived with her mother.
Q What did you do to make a living? A Come up there to work and the children was going to school there; lots of them was my kin people there. I would stay with them until I got a chance to come back; my wife didn't live here.
Q The first time your wife ever come here was after Allie was born? A It was 20 years ago when she first come here.
Q That was After Allie was born? A Yes sir, Allie was the baby when she come.
Q You never kept house here until she come? A No, I didn't.
A I told you a dozen time the reason I didn't - because my wife wouldn't live here.
Q

BY MR. BROWN: You say that when youreturned here the fall of '66, it was for the purpose of building your home? A Yes sir.

BY HASTINGS: You didn't build it that fall? A I was afraid, I was bush whacking. If you had been bush whacking you never would have built here. If you had been shot up like I was shot up you never would have built here.

BY MR. BROWN: Your wife refuse to come and live with you?
A She got scared up and wouldn't come and live here.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this the 19th day of October, 1903.

Charles J. Turner
Notary Public.

Cherokee Freedmen
D-289.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of Sarah Martin, as a citizen by intermarriage of the Cherokee Nation.

---: D E C I S I O N :---

It appears from the record herein that on May 15, 1901, Lewis Martin appeared before this Commission, at Vinita, Indian Territory, and made application for the enrollment of himself and his minor child, Earnest Martin, as Cherokee Freedmen, and for the enrollment of his wife, Sarah Martin, as a citizen by intermarriage of the Cherokee Nation. The applications of Lewis Martin and Earnest Martin being differently classified are not included in this decision.

The record herein shows that Sarah Martin claims her right to enrollment as a citizen by intermarriage of the Cherokee Nation, by virtue of her marriage to Lewis Martin, an alleged Cherokee Freedman.

The record further shows that Sarah Martin makes no claim for enrollment, as a citizen of the Cherokee Nation, other than by intermarriage.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Cherokee tribal authorities as a member of the Cherokee tribe, or admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is therefore the opinion of this Commission that following the ruling of the Department in the case of Lemuel Welcome, (I.T.D.5848-1904, 11776-1904), the application made for the enrollment of Sarah Martin, as a citizen by intermarriage of the Cherokee Nation, should be denied, under the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAY 2 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

a.f.m.c.

In the matter of the application of Lewis Martin, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Lewis Martin, et al.,	Cherokee Freedmen D-289,
John Martin,	Cherokee Freedmen D-656,
Fred Martin,	Cherokee Freedmen D-657,
Allie Martin,	Cherokee Freedmen D-658,
George Martin,	Cherokee Freedmen D-911,
William Martin, et al.,	Cherokee Freedmen D-940.

-:-

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Lewis Martin for himself and minor child, Ernest Martin, and wife, Sarah Martin (by intermarriage); by John Martin for himself; by Fred Martin for himself; by Allie Martin for himself; by George Martin for himself; and by William Martin for himself and minor children, Maude, Sarah Ella, Bendena, Australia, Goldburn, Lloyd, Ralph and Lulah Martin. As the said Sarah Martin is differently classified, her rights to enrollment will not now be passed upon. Copies of the testimony taken at different times and places in the cases of Tobias Bean, et al., C. F. D-205, Neatie Martin, C. F. D.-218, and Fannie Hight, C. F. D-207, are filed herewith and made a part of the record in this case.

The evidence herein shows that the applicant, Lewis Martin, was the slave of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion he went out of the Cherokee Nation, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The other applicants herein are the children and grandchildren of the said Lewis Martin, were born since the commencement of the Rebellion, and possess no rights to enrollment other than as his (Lewis Martin's) descendants. None of the

applicants herein can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lewis Martin, Ernest Martin, John Martin, Fred Martin, Allie Martin, George Martin, William Martin, Maude Martin, Sarah Ella Martin, Bendena Martin, Australia Martin, Goldburn Martin, Lloyd Martin, Ralph Martin, and Eulah Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
MAY [illegible]

P

Headquarters Fort Gibson, Ind. Ter.,
October 9th, 1866.

SPECIAL ORDERS
No. 53.

1st Lieut. Fred W. Moore, 19th U.S.Infantry, with six enlisted men from the command, mounted, will proceed to Horse Creek, Ind. Ter., and arrest or kill a band of murderers and robbers who infest that neighborhood.

The party will be rationed for ten days and the Quartermaster's Department will furnish the necessary transportation, forage, etc., The teamster will also be armed.

By order of Major Lugenbeel:

E.P.EWERS,

1st Lieut. 19th U.S.Inf.,
Post Adjutant.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 26, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of a certified copy offered in evidence in the matter of the application for enrollment of Cherokee F. D. 289, etc.

C. R. Breckinridge
Commissioner.

F.D. 289

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190....

Given under my hand this ....

day of ..... A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., 190....

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

Edgar Smith one of the Attorneys for Applicant

on the 3rd day of Oct A. D. 190.....

Henry Pack

Subscribed and sworn to before me this Oct 3, 1901

J. F. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 3 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of Lewis Martin for enrollment as Cherokee Freedmen:

Case No. F. D 9555

To Lewis Martin or Moiotto Lex Smit his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory* Indian Territory, on Oct. 3d at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 30 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

ON TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 12 1901

NOTICE!

In the matter of the application of Lewis Martin for enrollment as a Cherokee Freedman.

Case No. D 289

To Lewis Martin c/o Mellette & Smith

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Chelsea Indian Territory, on the following dates, to-wit: JUN 12 1901 A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this JUN 4 1901 1901.

R. B. Full
W. W. Hayes
J. J. Vernon

Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to Edgar Smith attorney ~~J. C. Starr~~ on the JUN 4 1901 day of A. D. 1901.

To same Pass

Subscribed and sworn to before me this JUN 4 day of 1901 1901.

J. C. Starr Notary Public.

410-789

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Lewis Martin,
Chelsea, I.T.
Cherokee F-D-289
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

VB. I.T. 289

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
15 1901.

Acting Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15 - 1901

Post Office Chelsea I.T.

District Cov.

1. Name Lewis Martin Age 64

Owner's name Joe Martin Citizenship Cherokee

Year R. C. Page 158 No. 3916 District Cov.

Parents:

Father Harry Martin - d - Citizenship Col.

Mother Eliza Martin - d - Citizenship Col.

2. Name of wife Sarah Martin Age 54

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Earnest Martin Year R. C. Page 158 No. 3918 Dist. Cov 12yr.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 - Lewis Martin Stenographer Jones.

No. 1 on R. C. Roll - Lewis Martin.
Earnest Martin
No. 1. "Freedman" Roll - p. 131 - No. 2742 Cov. Dist.
Represented by Smith and Mellette
Vinita I.T.

E D 289

JUL 17 1951

COMMISSIONERS:
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Lewis Martin et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of May 15th, 1901 and one copy of the supplementary testimony of June 6th, 1901.

Mellette Smith

Attorney for Applicants.

Cherokee F. #D288.

Cherokee Freedmen
D-289.

Muskogee, Indian Territory, September 10, 1903.

Lewis Martin,

Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter; your residence since that time; and whether or not you retained property in the Cherokee Nation during your absence.

You are further advised that the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-289.

Muskogee, Indian Territory, September 10, 1903.

Edgar Smith,

Attorney for Lewis Martin, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lewis Martin, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not said Lewis Martin returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter; his residence since that time; and whether or not he retained property in the Cherokee Nation during his absence therefrom.

You are further advisedthat the Commission will be at Vinita, Indian Territory, on Wednesday, September 23, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear be fore the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D 289

Muskogee, Indian Territory, March 13, 1905

Lewis Martin,

Chelsea, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of February 21, 1905, relative to your enrollment as a Cherokee Freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-289.

Muskogee, Indian Territory, May 2, 1905.

Sarah Martin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for your enrollment as a Cherokee citizen by intermarriage. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGN) Tams Bixby

Chairman.

Incl. S-27
Register

COPY.

Cherokee Freedmen

D-289.

Muskogee, Indian Territory, May 2, 1905.

Edgar Smith,

Attorney for Sarah Martin,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Sarah Martin as a Cherokee citizen by intermarriage. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Dixby.

Chairman.

Incl. S-38
Register

COPY.

Cherokee Freedmen

D-289.

Muskogee, Indian Territory, May 2, 1905.

Bell, Hastings & Davenport,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, rejecting the application for the enrollment of Sarah Martin as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby

Chairman.

Incl. S-29

COPY.

Cherokee Freedmen
D-269.

Muskogee, Indian Territory, May 2, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Sarah Martin as a Cherokee citizen by intermarriage, including the Commission's decision dated May 2, 1905, rejecting said application.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-30

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-289.

Muskogee, Indian Territory, May 13, 1905.

Lewis Martin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for the enrollment of yourself and your minor child, Ernest Martin, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-62.

Register.

COPY.

Cherokee Freedmen
D-289.

Muskogee, Indian Territory, May 13, 1905.

Edgar Smith,

Attorney for Lewis Martin et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. L-68.

Register.

COPY.

Cherokee Freedmen
D-289 et al.

Muskogee, Indian Territory, May 13, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. L-69.

COPY.

Cherokee Freedmen
D-289 et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Lewis Martin et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-70.

Through the
Commissioner of Indian Affairs.

LAND.
34872-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 2, 1905, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation of Sarah Martin.

May 2, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant claims her right to enrollment solely as a citizen by intermarriage by reason of her marriage to Lewis Martin, an alleged Cherokee Freedman, and that she had never been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

[illegible] (W)

Land.
37731-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. JULY 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit a report from the Commission to the Five Civilized Tribes, dated July 10, 1905, transmitting the record in the case of Elizabeth Martin for enrollment as Cherokee [illegible] Martin for herself and her minor child, Ernest [illegible]; by [illegible] Martin for herself; by [illegible] Martin for herself; by [illegible] Martin for herself; by [illegible] Martin for herself; by William [illegible] for herself and his minor children, [illegible], Sarah Ella, [illegible], Australia Goldsboro, Lloyd, Ralph and Julia Martin.

By its decision, [illegible], the Commission denied enrollment to all of the applicants.

The record shows that Lewis Martin was the slave of a Cherokee citizen at the beginning of the war of rebellion; that [illegible] was sent out of the Cherokee Nation and did not return to [illegible] on or before September 1, 1867. The [illegible] applicants are children and grandchildren of Lewis Martin, were born since the beginning of the war of rebellion and possess no rights to enrollment except as his descendants. None of the applicants is identified on the 1880 and intermarried Cherokee roll.

[illegible] of the record is a copy of the Commission's decision in advance to [illegible] the applicants be enrolled. [illegible]

Respectfully,

Acting Commissioner.

W. O. D.
T.

Cherokee Freed.
D-289.

Muskogee, Indian Territory, November 16, 1906.

Lewis Martin,

Chelsea, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting your application for the enrollment of yourself and child, Earnest Martin, as Cherokee freedmen, was affirmed by the Department November 6, 1906, and a motion for review of your case, filed by your attorneys September 7, 1905, denied.

Respectfully,

Commissioner.

Cherokee Freed.
D-239, et al.

Muskogee, Indian Territory, November 16, 1906.

Blue & Bulger,

Attorneys for Lewis Martin and others,

Baxter Springs, Kansas.

Gentlemen:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Lewis Martin, et al. as Cherokee freedmen, was affirmed by the Department November 6, 1906, and a motion for review of said case, filed by you September 7, 1905, denied.

For your information there is enclosed a copy of Departmental decision.

Respectfully,

Commissioner.

Inc.-1-16-LGC.

Cherokee Freed.
D-201-et al.

Muskogee, Indian Territory, November 16, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 15, 1905, rejecting the application for the enrollment of Lewis Martin, et al as Cherokee freedmen, was affirmed by the Department November 6, 1906, and a motion for review of said case, filed by their attorneys, Blue & Bulger, September 7, 1905, denied.

For your information there is enclosed a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Inc.-2-16-LGG.

C.R.W.

DEPARTMENT OF THE INTERIOR, LLB.
WASHINGTON.

I.T.D.7064-1905.
8621 "
8623- "
8625- "

November 6, 1906.

LRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedman by Lewis Watin for himself and his minor child, Ernest Martin; by John Martin for himself; by Ted Martin for himself; by Allie Martin for himself; by George Martin for himself; by William Martin for himself and his minor children, Maude, Sarah Ella, Bendena, Australia Goldburn, Lloyd, Ralph and Eulah Martin, including its decision of the same date, adverse to the applicants.

Reporting June 10, 1905 (Land 37851), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, motions for review were filed in the matter of the application of Lewis Martin et al.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the decision of the Commission is hereby affirmed.

The Indian Office will advise the local attorneys for the applicants of departmental action.

The papers in the case, including the motions for review, have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and b to Ind. Of.

COPY

D.C. 54103-1906. G.R.

I.T.D. 5616-1905. DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

L.R.S.

December 6, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the approved opinion of the Assistant Attorney-General for this Department dated November 12, 1904 (I.T.D.11776), in the matter of the application of Lemuel Welcome for his enrollment as a Cherokee freedman by intermarriage, the decision of the Commission to the Five Civilized Tribes dated May 2, 1905, denying the application of Lewis Martin, a Cherokee freedman, for the enrollment of his wife, Sarah Martin, as a Cherokee freedman by intermarriage is hereby affirmed.

A copy of Indian Office letter of May 15, 1905 (Land 34872), recommending the above action, is herewith forwarded.

You will advise applicant of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cherokee F.
D 289.

Muskogee, Indian Territory, December 17, 1906.

Lewis Martin,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, denying your application for the enrollment of your wife, Sarah Martin, as a Cherokee freedman by intermarriage, was affirmed by the Secretary of the Interior, December 6, 1906.

Respectfully,

Commissioner.

LMC

Cherokee F.
D. 389.

Muskogee, Indian Territory, December 17, 1906.

Blue & Bulger,

Attorneys for Lewis Martin,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated way 2, 1905, denying the application for the enrollment of Sarah wartin, as a Cherokee freedman by intermarriage, was affirmed by the Secretary of the Interior, December 6, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-70
LMC

Cherokee F.
D. 289.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 2, 1905, denying the application for the enrollment of Sarah Martin, as a Cherokee freedman by intermarriage, was affirmed by the Secretary of the Interior, December 6, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-71
LMC

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

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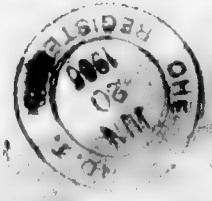

1905
MUSKOGEE, IND. TER.
6136

Sarah Martin,

Chelsea, Indian Territory.

WASHINGTON, D.C.
JUN 1955
REG. DIV.

Cher. Fr. R-858

Cher. Fr. R-858

Trans. from Cher Fr. D 295

FILED
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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 15th 1901

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Katie Ridge.
Q How old are you? A. I guess I am 34, I was 16 when the stars fell.
Q What is your post office address? A. Spavinaw.
Q Is that in Delaware district? A. No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you bee recognized by the Cherokee authorities as a Cherokee Freedman? A. I cant hear good.
Q Is your name on the roll of 1880? A. No sir.
Q Did you draw Strip money? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880, do you know why? A. No sir.
Q Was you a slave? A. Yes sir.
Q Who owned you? A. Herman Ridge.
Q Was he a Cherokee Indian? A. Yes sir.
Q Did he live here in the Cherokee Nation? A. Yes sir, he lived here a part of the time.
Q Did,you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Springfield Missouri.
Q How long did you stay there? A. Three years.
Q When did you come back to the Cherokee Nation? A. In 1865.
Q Have you been lived in the Cherokee Nation ever since 1866? A. Not all the time ; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you grom From Springfield to Joplin or did you come here first?
A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A. ~~Three~~ Three years.
Q Did you come back here then? A. Yes sir.
Q Have you lived here ever since? A. Yes sir.
Q Where did Hiram Ridge live? A. Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A. Yes sir.

By L. B. Bell , Cherokee representative:

Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A. No sir we staid on her farm; when she went up there her farm was still on Honey Creek .
Q How long did you stay on that farm? A. I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A. Henry Ridge
Q Did you know old Peter? A. Yes sir he was my brother in law.
Q Did you know Dr. Polston? A. Yes sir.
Q Where did he live? A. On Honey Creek
Q Did you live with him? A. Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A. Well I was staying down to Polstons then and then back to Fayetteville ~~with~~ Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville?
A My Mistress lived there away after they killed John Ridge, she went from Honey Creek on to near Bentonville then.

Q How long did you live on that farm? A. I dont know.
Q When did Polston live on that farm? A. I dont know exactly.
Q How long had he been living there when the war broke out? A. I dont remember.
Q Several years? A. Idont know.
Q You dont know nothing about it?A. I dont know of him all the time
Q Herman Ridge lived in Washington County Arkansas didn't he? A. Nos sir.
Q Well tell me where he lived then? A. In Fayetteville.
Q That is in Washington county? A. I didn't know.
Q He was Mrs Ridge's son? A. Yes sir.
Q He lived up there when she moved there? A. Yes sir.
Q And that was right after the killing of John Ridge? A. Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A. Yes sir.
Q Where is your husband Henry? A. He is dead, he died in small pox time.

By the Commission-

Q Where did your master die when he was killed ? A Some where in the Territory—he was in the Southern Army.
Q Was he married or single? A. Single.
Q He went to the army from Arkansas? A. Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T. M. Needles, testified as follows on the part of the applicant:

Q What is your name? A. Simon Lynch.
Q How old are you? A. 71.
QWhat is your post office address? A. Spavinaw
Q Are you a recognised Freedman of the Cherokee Nation? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q Do you know Katie Ridge? A. Yes sir.
Q How long have you known her? A. I dont know how long it has been, I know her before the war.
Q Who did she belong to? A. Mr. Ridge.
Q Was he a Cherokee citizen? A. Yes sir.
Q Was he an Indian? A. Yes sir.
Q Where did he live? A. On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war?A. Xxxx xxx I dont know.
Q Where did you first see her after the war? A. On Honey creek.
Q When was that? A. In '66.
Q Has she been living there ever since? A. No sir she left there once.
Q She went to Joplin didnt she? A. Yes sir.
Q Has she been living here for the last 30 years? A. Yes sir.
Q Her master was who? A. Herman Ridge.
Q Was he a single man when he was killed? A. I dont know.
Q Do you know of him ever living outside of the Cerokee Nation?A. I think he did.
Q Was he living in Arkansas? A. Yes sir.
Q Was that before the war? A. Yes sir.
Q Who did he live with in Arkansas,his father or mother? . I dont know

By L. H. Bell:

Q What time of the year was it you say he applicant on Honey Creek in '66? A. The summer of '66, I dontknow just what time, but it was in the summer time.
Q What was you doing there? A. I went to South West City.
Q You saw this woman where? A. At the old place.Q Dr. Somebody owned it then.
Q Was he there? A. No sir.
Q How far is that from South West City? A. Taint very far, I dont

know exactly.
Q Is it a half a mile? A. Yes sir several miles
Q Were you ever at the place before? A. Yes sir, been there lots of times there.
Q What was you doing there? A. I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A. On Baties Prairie.
Q Where did you come here first after the war? A. The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here? A. In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A. Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Goweeseoowee district.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at conclusion in her case she will be notified by mail.

= = = =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita I. T.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 16 1901

ACTING CHAIRMAN.

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Supplemental D-2952.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.
Cherokee Nation present, by its attorneys.

Anderson Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.
Q How old are you? A About 64.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You know Katie Ridge? A I didn't know her when I first saw her, when I first saw they they were up there on Honey Creek and someone said that was the Ridges.
Q What year was that? A That was along in the fall of '66, I think it was.
Q You saw her in the fall of 1866 then? A Yes, sir.
Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up thereon Honey Creek.
Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.
Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.
Q Simon who? A Simon Lynch.
Q Did you know them before the war? A No, sir, he knew them.
By L. B. Bell, Cherokee attorney: Where were you going in '66?
A Going up to Southwest City.
Q How far is Southwest City from where they were living? A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.
Q About what time of the year was it? A It was long in the fall like.
Q Can you recollect, early or late? A It was early, it wasn't so cold, I know we slept out, we were going up there.
Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.
Q You went on from there to Southwest City did you? A Yes, sir.
Q Now where was Southwest City, in the Cherokee Nation or Missouri?
A It was in Missouri or Arkansas, I don't know which, it was across the line.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of May, 1901.

Tams Needles

Commissioner.

3 XD1696

File with C.F. D-636, William Townsend.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 9, 1901.

In the matter of the application of Kate Ridge for enrollment as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. L.B. Bell, of attorneys for Cherokee Nation,
and Mr. W.W. Hastings, of attorneys for Cherokee Nation.

W.H. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war begun? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q Now when did you return to the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Come to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war begun, or how come you to go on thatplace? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then-? A Until the fallof 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Kate Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with whatis known as the old Washbourn place at that time? A Yes sir.
Q Was there any Freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston re-occupy that place after you bought it from him or did he ever? A He went right on the place when we left it

in 66.
Q Where did he move from to that place? A He moved from Mayesville Arkansas.
Q Where was he living during the year of 1867 after you bought that place from him? A He was livin I think possibly he moved part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.
Q Now do you know anything about where Dr. Polston was in the early part of '66, or where he come from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knowed? A Not that I had any knowledge of.
Q But you moved away from that place in '68? A Yes sir.
BY MR. MCCARTER:
Q How old are you, Mr. Wood? A 48 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You was a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days? A Yes sir.
Q You paid particular attention to just who was living around there? A There wasn't so many but what you could count them.
Q You was a young boy and still you recollect it at the time?
Q What kind of a cabin, about as the one they [illegible] observed people live in? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that in Rock Creek? A No sir, it wasn't directly: the brake of Rock Creek, a mile I guess from the Creek.
Q How many other places were there in that country? A Just the one.
Q Did you live A I lived there.
Q You were [illegible] years old, can you remember that there were no other [illegible] belonging to Polston? A Yes sir.
Q Where did you [illegible] what? A [illegible] Choctaw Nation.
Q [illegible]
Q What [illegible] Spring.
Q [illegible] We took Garrison point in the Choctaw [illegible] and I think we were possibly 3 months getting through.
Q Do you [illegible] William Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COMMISSIONER BELLS:
Q Are you [illegible] citizen? A Yes sir.
Q By blood? A Yes sir.
Q What [illegible] occupation? A I am farming and selling goods.
BY MR. [illegible]
Q Now you said [illegible] returned in 1865, did you come to the Cherokee Nation in [illegible] A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of [illegible] Springs place,
Q And [illegible] down into the Cherokee Nation in '66? A Yes sir.

MRS. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 9th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Eneous Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died beforeI went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yessir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. NEEDLES:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Did he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in58 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you claim became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
Q How long did you live there? A A year and four months, that was as long as he lived.
Q That was up just about the beginning of the wa ? A Well I ~~left~~ lived there until '59. I left there in the fall of '59.
Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri,- I saw her husband.
Q Oh, you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; ~~xx~~ I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:
EXAMINATION.
Q Tell that gentleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.
Q Are you a citizen of the Cherokee Nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee Nation and Missouri.
Q Were you living 2 miles north of South west City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.F. Lamance were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Strothers I think the post-office was handled.
Q Well the post-office was there in the store? A Yes sir.

Q What was the place called then? A Honey Creek.
Q How long did it retain that name of Honey Creek, or when did it change back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.
Q Was that in one or two or three years? A Well yes, three years perhaps, somewheres along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town was started a little.
MR. MELLETTE: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:
BY MR. BELL:
Q Give me your name, age and post-office? A My name is James M. Bell, aged 69, post-office Needmore, or Vinita, either one.
Q You are a citizen of the Cherokee Nation are you? A Yes sir.
Q How long have you lived in this Cherokee Nation? A Well with the exception if a few intervals I have been here since '39.
Q Well you have been here 40 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A ~~As far as~~ His first child was not of sound mind, a girl, Rolen Ridge was the next, Herman, Eneous, Andrew, Susan Washbourn, Flora Polston, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards moved to Feyetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know?
A He was between 25 and 30; he was 25 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother where? A In Benton County, Arkansas.
Q When did he join the army? A He joined in '62.
Q ~~Where~~ Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a farm, location or home or habitation in the Cherokee Nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes sir.
Q By blood, friendship, social matters or what? A It [illegible]

stan[illegible] ng that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. MELLETTE:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q Then in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest [illegible] and moved back onto the farm with the expectation of restoring [illegible] place I guess, and living there.

Q [illegible] there and know all about this personally; did you see them [illegible] Rollin Ridge there, yes sir, at the place.

Q I [illegible] you [illegible] Peter Ridge, a slave, was not in charge of that place [illegible] the Ridges after they went out into the State? A I don't know [illegible] in regard to that.

Q I [illegible] they didn't leave the Territory because of the murder [illegible] Ridge? A That is the family?

Q Yes [illegible] the country on that account, that's my understanding, you [illegible]

Q You don't [illegible] to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Was it [illegible] impossible for them to live here.

Q [illegible] they were out of the Territory? Yes I know [illegible] out of here.

Q I [illegible] Ridge, the [illegible] of Hannah Ridge, [illegible] there at Fayetteville, she didn't send her slaves [illegible] where she was to their farm to keep it up [illegible] that.

Q [illegible] this farm over to her [illegible] at Fayetteville [illegible] that might have done so, [illegible] nothing [illegible]

[illegible] by Commissioner Meadows [illegible] as follows:

[illegible]

Q [illegible] Stilwell, 52 years old. [illegible]

Q [illegible] I was born in the [illegible] I guess, [illegible] they tell me; I don't have [illegible] tection office.

Q Where [illegible] were first old enough to remember, in the Cherokee [illegible] I think I [illegible] below the Grand [illegible] that [illegible] the whole [illegible] of there [illegible]

Q Do you [illegible]

Q [illegible] this [illegible] the old Ridge [illegible] Peter's [illegible]

Q Were you ever at that place prior to the war [illegible] times

Q Now [illegible] there [illegible] got acquainted with [illegible] Rollin Ridge, [illegible] Ridge lived there, [illegible] family, and he killed a man [illegible] off and had to go to California, left there and never came back any more. There was old man named Peter, an old slave of his that he had there, [illegible] the place 5 or 6 years. [illegible] passed into the hands of [illegible] who married Flora, the youngest girl of John Ridge. [illegible] there until '61 probably [illegible] there 3 or

or 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the confederate Army, General Watie was a kinsman of his and he joined the ~~xx~~ regiment that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1868; his heirs own it yet.
BY MR. MELLETTE:
Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.
MR. MELLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:
BY MR. BELL:
Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.
BY MR. MELLETTE:
Q Did she return to the Cherokee Nation at any time ~~that xxx~~ there while you were there? A Notthat I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.
Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At ~~xxxxxxxx~~ Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.
Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Yessir.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Cher-

okee Nation? A Well I don't know; I know they were living there and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know what legal steps were taken by those people, Washbourns ~~and~~ or Polstons to re-establish their citizenship? A No sir.

COMMISSIONER NEEDLES: The testimony will be filed in Katie Ridge, Cherokee Freedman D 295, and D355 and D 586, and D 589 and D 300, D 360, D 361, D 362 and D 358.

(Copies of this testimony have also been made for C.F.D-676,D638,D647,D691,D594 and D636.-Stenog.)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 12th,1901.

Commissioner.

COMMISSION

FILED
AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Katie Ridge, D 295;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

A. F. Wc.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

Katie Ridge,	Cherokee	Freedmen	D 295
Cornelius Ridge, et al.,	"	"	D 586
Phoebe Johnson, et al.,	"	"	D 589
Henry C. Ridge,	"	"	D 638
Ida Jones, et al.,	"	"	D 647
Ary Lynch,	"	"	R 70
Elnora Vann,	"	"	R 113
Maud Riley, et al.,	"	"	D 591
Rosa Vann, et al.,	"	"	D 594
William Townsend,	"	"	D 636
Mollie Townsend, et al.,	"	"	D 651.
Dennis Hicks, Jr., et al.,	"	"	D 355
Joshua Holt, et al.,	"	"	D 344
Sallie Miller,	"	"	D 648
Mary Johnson,	"	"	D 664
Ruth Vann, et al.,	"	"	D 866
Frank Johnson, et al.,	"	"	D 875
Eliza Hawkins, et al.,	"	"	D 358
Joseph Hicks, et al.,	"	"	D 360
Katie Hicks,	"	"	D 361
James A. Hicks,	"	"	D 362
Frances Johnson, et al.,	"	"	D 678
Anna Butler, et al.,	"	"	D 979
Howard Bushyhead,	"	"	D 950
Katie Davis,	"	"	D 953
Moses Riley, et al.,	"	"	D 259
Andrew Riley, et al.,	"	"	D 261
Jesse Riley, et al.,	"	"	D 261
Frank Riley, et al.,	"	"	D 262
Jerry Riley, et al.,	"	"	D 263
Fannie Scott, et al.,	"	"	D 265
Delilah Johnson, et al.,	"	"	D 267
Lottie Johnson, et al.,	"	"	D 268
Jane Riley,	"	"	D 600
Daniel Thompson,	"	"	D 608
Elick Ward, et al.,	"	"	D 623
Sandy Thompson,	"	"	D 693

Ruth Riley, et al.,	Cherokee Freedmen	D 579
Hannah Riley,	" "	D 569
Charles Landrum,	" "	D 601
Nettie McIntosh,	" "	D 903
William Riley,	" "	D 803
Carrie Gibson,	" "	D 704
Cora J. Wagoner, et al.,	" "	D 579
Arthur Riley,	" "	D 571
Elizabeth Melton, et al.,	" "	D 441
Julius Curls,	" "	D 269
Riley Curls, et al.,	" "	D 270
Ophelia Thompson, et al.,	" "	D 271

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Ary Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Nettie Hicks and minor children, Leroy, Dennis Jr., Delane, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Neeson, and minor children, Josie Willard, Clifford and Maucelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann, by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Nathaniel Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 28, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Sola, Dells, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself, by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Jane Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Odine Riley, child of the applicant, Ruth Riley; by [illegible] for herself; by Charles Landrum for himself; by [illegible] for herself; by William Riley for himself, by [illegible] for herself; by Cora J. Wagoner for herself; thereafter, on [illegible] 3, 1901, there was filed with the Commission an affidavit [illegible] the birth, on August 24, 1901, of Oval Wagoner, [illegible] plicant, Cora J. Wagoner; by Arthur Riley for himself [illegible] beth Melton for herself and minor child, Flora Melton, [illegible] Curls for himself; by Riley Curls for himself and minor [illegible] Willie, Edward, James, George, Stephenia and Clarence [illegible] after, on July 1, 1902, there was filed with the Commission [illegible]

affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 660; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 8594-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purtle C.F.D 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4388, 5028-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 185; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4736-04); in the consolidated case of Katie Thornton et al., C.F.D. 578 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 613, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Serena and Pearl Hilton, Maud Riley, Rosa Wann, and William Townsend, are children of the applicant Phoebe Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1860, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elnora Wann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1860, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1860, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (Said William Riley's rights to enrollment are considered below, C. F. D. 303), was born since 1860, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Wann, is a child of the said applicant Rosa Wann, was born since 1860, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Wann, father of the said applicant Josephine Wann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Nellie Townsend, is a daughter of one Jesse Wann, and one Emma Purtle, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 264 and 265 the Commission found that the said Jesse Wann and Emma Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 2112-3594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Nellie Townsend, were born since 1860, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lettie and Joseph Hicks; that the applicants Lettie Hicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Eliza and Tyndall Hawkins, Joseph, Otto A., Katie and James A. Hicks, Frances, [illegible], Katie, Clarence and Wilda Johnson, Anna Butler, Esther [illegible] and Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 573, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah [illegible] prior to the commencement of the rebellion, and was the [illegible] of the Cherokee Nation at the commencement [illegible] that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley, wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Luford, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Rick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Lucebe Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1896 is contravened by the testimony of witnesses who were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment were perfected, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Hector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ma Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 6960-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. [illegible] that the applicants, Bettie Hicks, Joshua Holt and [illegible] and the said Buck Bushyhead and Nettie Downing, deceased, [illegible] to the Cherokee Nation during the interval [illegible] the rebellion [illegible] 11, 1867, the [illegible] testimony of it [illegible] witnesses, to [illegible] subsequent out[illegible] lived rul[illegible] the and [illegible] Brown [illegible] to them. tes[illegible] Sanders, the[illegible] Cherokee Nation with he[illegible] set out vin[illegible] That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully contradicted and repeatedly impeached, it is considered by this office, that, after hearing the testimony of numerous witnesses, interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion with the said McNairRiley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 498-D 664 and D 863). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of idsinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Bettie McIntosh, and that the said two last named applicants were born in 18[illegible] and 1866, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation [illegible] the said Peter Ward and one Abraham Ward. In C. F. D. [illegible] and [illegible] 687 (R 283), the Commission found that the said [illegible] and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5848, 11776-04), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied, and that under the provisions of Section Twenty-one of [illegible] above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, [illegible] and Myrtle Ridge, Phoebe (Milton) Johnson, [illegible] Milton, Herbert Milton, Serena Milton, and Pearl Milton, [illegible], Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, [illegible] Jones, Elnora Vann, Maud Riley, Jesse Barnett and John [illegible], Rosa Vann and Josephine Vann, William Townsend, Molly [illegible], Rosa Townsend, George Townsend, and Arthur Townsend, [illegible] Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Hold, Clifford Holt and Maucella (Marcella) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Raine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and [illegible], Ophelia Thompson, Alpha Thompson, [illegible], Harvey Thompson and Clyde Thompson, [illegible] as Cherokee freedmen, and their applications [illegible] are accordingly denied.

AND IT IS [illegible] ORDERED [illegible] applications for the enrollment of [illegible] be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER

Dated at Muskogee, Indian Territory,

this Oct. 13, 1905.

DEPARTMENT OFTHE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. DECEMBER 14, 1906

A.F.Mc. Cherokee Freedmen D 295

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of KATIE RIDGE ET AL., as Cherokee Freedmen.

Applicant represented by Guy Patten, Attorney
Vinita, Indian Territory.

APPEARANCES:

Cherokee Nation represented by W. . Hastings, Attorney.

It is ordered that the applicants in Freedmen Doubtful cases, Numbers 358, 360, 361, and 362, and applicants Numbers 3, 4, 5, 6, and 7 in Freedmen Doubtful 355, lineal descendants of Katie Ridge, be consolidated with, and the rights of said applicants considered in the cases of Katie Ridge et al.

CORNELIUS RIDGE being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows:

EXAMINATION BY MR. GUY PATTEN:

Q. State your name? A. Cornelius Ridge.
Q. How old are you? A. About fifty-five.
Q. What is your postoffice address? A. Chaffee.
Q. Indian Territory? A. Yes sir.
Q. Are you one of the applicants in this case? A. Yes sir.
Q. Where did you live prior to the Civil War? A. Partly in Arkansas and partly in the Cherokee Nation.
Q. Why did you live partly in Arkansas and partly in the Cherokee Nation? How did that come about?
A. Why, my owner, my boss, he was a single man, and he had sisters and one of them lived here in the Cherokee Nation, and the other over in the state, and he made his slaves, we would be on the farm here in the Territory, and the old lady she was in the State, in Arkansas, and what time we wasn't in Arkansas we was here.
Q. That part of the Cherokee Nation? A. On Honey Creek.
Q. Is that in the Cherokee Nation? A. Yes sir.
Q. Did you go out of the Cherokee Nation durin the war? A. Yes sir.
Q. About what time did you leave the Cherokee Nation?
A. Well, I don't know what time we left the Nation, but during of the war some time.
Q. Where did you go when you left? A. To Missouri.
Q. What part of Missouri? A. Springfield.
Q. When was the first time you returned to the Nation after the close of the war? A. In the late fa lo of '66.
Q. How did you happen to come back then? A. Why a man by the name of Boudinot that was some relation to the Ridges, he seen my father in Springfield and told him that there was a treaty that if we would come back we would get land and have a home same as the Cherokees, and so he come back.
Q. Where did this man Boudinot live when he told your father that?

A. He was at Springfield; I don't know where Mr. Boudinot lived.
Q. You were at Springfield? A. Yes sir.
Q. With your father? A. Yes sir
Q. Did you have a mother? A. Yes sir.
Q. What was her name? A. Katie.
Q. Were there any other members of your family? A. Yes sir, five.
Q. Who were they? Two sisters, my brother, father, mother and myself. I was mistaken about there being only five .
Q. When Mr. Boudinot advised you about returning, did you start to move down here? A. Yes sir, shortly after; it must have been, I guess, probably along the early part of the fall that he seen my father and talked with him.
Q. How long was it before you started to move? A. Probabbly something like two or three months.
Q. Now when you came did all your family come? A. Yes sir.
Q. All came together did they? A. Yes sir.
Q. Did you permanently move from Springfield, did you take all the stuff you had with you? A. Yes sir .
Q. Did not leave anything there , back there? A. No sir.
Q. What part of the Cherokee Nation did you come to when you moved back? A. On Honey Creek.
Q. Where is that? A. That is east.
Q. East of what? A. East from here: I don't know it is somewhere, as near as I can judge, probabbly southwest of Neosho or Seneca, somewhere in there.
Q. Near what place is it now located? A. Southwest City.
Q. Where you located was that, do you think, near where southwest City is now? A. As well as my memory serves me, it was about a mile and a half or two miles.
Q. In which direction? A. I am kind of mixed up about directions up there, I believe it was north.
Q. When you first came down in that country, on Honey Creek, did you build you a house or make a place, or how did you live there? A. We moved into a little house that was already built there.
Q. What kind of a house? A. Little log house .
Q. Where was it located with reference to the place you lived before you left the Nation, before the war, was it in the same neighborhood? A. Yes sir, in the same neighborhood I guess it must have been a mile and a half or may be more I don't know exactly, some here near the old place.
Q. From the old place that you left? A. Yes sir.
Q. Then when you came back down on Honey Creek you came into the vicinity that you had lived before the war? A. Yes sir.
Q. Did you ever live anyplace else in the Cherokee Nation before the war, except in this neighborhood, in this neighborhood in the Cherokee Nation and back and forth to Arkansas before the war? A. No sir.
Q. Were you acquainted anywhere else before the war? A. No sir.

Q. Was that the only neighborhood that you knew of to come to when you came back? A. Yes sir.
Q. Now, what time did you move in there? A. I couldn't be right positive, as to the time, but it was in the late fall or early part of the winter, getting cold.
Q. What year? A. '66.
Q. Now, how do you know it was '66? A. well, the way I know it was '66, the war closed in '65 and it was the next year after the war closed.
Q. Now, referring to the time you left Springfield, Missouri, in speaking of that man Boudinot talking with your father, how did he happen to advise him to come, did he say why he should come?

MR. HASTINGS: I wish to ask him one question to see if that is competent.

Q. Do you know, only just what your father told you of what Boudinot told him? A. No sir, that is all.

I desire to object to any further questions relative to a conversation alleged to have been had between Boudinot and the father of the applicant, because the applicant states that he was not present, and he has already stated the substance of the conversation, or the information he received

Mr. PATTEN: We submit that ordinarily hearsay is unquestionably incompetent, but at this distance of time, as in this case, we submit that it is competent to show the conditions, or the reason why certain conditions existed, and for that reason I asked the question as to why this family came, and the witness stated that they came upon the advice of Mr. Boudinot, and that that advice was given to his father. I do not desire to go into the details of the conversation, and I acknowledge that that would clearly be incompetent.

Objection noted.

Mr. Patten.

Q. At the time Mr. Boudinot talked with your father, what did you understand that he advised him to do, and why did he so advise him,?

MR. HASTINGS: I want to object to that as hearsay; First it is hearsay and second, that he is only asking the witness as to his understanding, and not as to what he actually knows about it, and is therefore calling for a conclusion of the witness.

Objection noted; witness will answer.

Q. What did you understand at that time that he advised your father to do, and why did he advise him to do that?

A. My understanding was that he advised him to come back to the Cherokee Nation that there was a treaty and that he would get the same rights as the Cherokees if he came, the same rights as he himself, and so he came.
Q. Was Mr. Boudinot a Cherokee? A. Yes sir.
Q. Now when you first arrived on Honey Creek, that fall or winter, you say you moved into a little house that was standing there? A. Yes sir.
Q. And that was in the neighborhood where you lived before the war? A. Yes sir.
Q. What kind of a country is that, rough and hilly or smooth.
A. It is a rough country, mountain and timber country, not what I would call a prairie country hardly any part of it; the most part of it was brush and timber, scrub timber; it is hills and hollows like, and rough country.
Q. How long did you live there after you got there?
A. Two or three month in that neighborhood.
Q. When you moved there did you intend to locate there; where you stopped? A. Yes sir, that was our purpose in coming there we intended to live there and get land there that Mr. Boudinot had told my father he was entitled to.
Q. And you stayed there two or three months? A. Yes sir.
Q. Why did you not continue to stay there? A. We couldn't stay there any longer, or we might stay there longer but really our lives was in danger there. Men would come there on the place and shoot in the air and shoot at the house, and on one occasion that I remember there was a man came very near shooting my father; he presented a gun at him; drawed the gun down on him just like this;(Indicated) and my mother was standin there and she pushed his hand off, and I think the words he said when he drew the gun down on my father was "Let me show you how I would kill a marshall."
Q. Who were these men that came around there? A. I don't know.
Q. White men or Indians or who was it? A. Indians and half-breeds. When we would hear the Indians whooping around we would go to the brush and hide.
Q. Did conditions change while you stayed there--Did they get more friendly? A. No sir. More friendly? No sir.
. Did they get worse? A. Yes sir
Q. Did they threaten you or shoot around there more than that time you just stated? A. Yes sir. It was just a common thing, not only one time, but just a common thing for them to come up and act that way. Shot our dog in our yard one time.
Q. How many would come; just one fellow or more?
A. No; generally two or more
Q. Would they talk to your father? A. Yes sir
Q. How did they talk to him? A. Shake hands with him and be friendly, or threaten him, or how?
A. No sir, I remember one case, two or three if them-- I believe that was the very time that man threw the gut down on my father-- and my mother after she pushed the gun off, she said "Don't shoot, Don't shoot my husband, he can talk

Cherokee just like you, and then they commenced to talk Cherokee. I don't know what they said; I never could understand the language.

Q. Did your father understand Cherokee? A. Yes sir.
Q. Did he tell you what they said? A. Not as I remember.
Q. Did they just threaten him in Cherokee and he did not say anything to the rest of the family about it?
A. I never knew they threatened him in Cherokee.
Q. How didthey threaten him? A. In English.
Q. Did some of them talk English? A. Yes sir.
Q. When did you leave there? A. We left there one morning before daylight, about when I don't know , before day.
Q. How did you happen to leave t such an hour as that?
A. Well, we was just scared and we thought it best to just get up and pull out/
Q. When you were living there thowe two or three months on that place on Honey Creek, did any one else live with you besides your father and mother, your sisters and brother?
A. No sir.
Q. Just your own folks? A. Yes sir.
Q. Were there any other colored people around there?
A. None that I ever seen.
Q. When you left there, where did you go? A. To Missouri.
Q. To what place? A. To Joplin, the lead mines.
Q. Did you stay there? A. A while.
Q. About how long? A. Threeor four years.
Q. Then where did you go? A. Down on the River.
Q. What river? A. Grand River.
Q. Where is Grand River? A. In the Cherokee Nation.
Q. Did you lo cate there? A. Yes sir.
Q. Did you locate your famrs there? A. Yes sir.
Q. Have you lived in the Cherokee Nation ever since that?
A. Yes sir.
Q. Have you owned a place there ever since that? A. Yes sir.
Q. And lived on it? A. Yes sir.
Q. In the Cherokee Nation? A. Yes sir.
Q. When you folks left the vicinity of Honey Creek, after you had been there two or three months, as you said, did you leave and go to Joplin because you wanted to get work there or wanted to live in Joplin, or because you were compelled to go.

Objected to because the question is leading. The witness should be asked why he left.

Objection noted
When you left the vicinity of Honey Creek and moved away why did you leave?
A. Why did we leave? Why sir, we left because we thought our lives were in danger, we was afraid to stay. Did I understand the question, why we left there, left the Nation ?
Q. Yes sir: A. Yes sir, we left because we thought we would be killed.

CROSS-EXAMINATION BY W.W.HASTINGS.

Q. Now, I believe you said that you went to Springfield, Missouri during the war? A. Yessir
Q. And you were at Springfie d , Missouri, when the war closed?
A. When the war closed?
Q. Yes sir? A. Yes sir.
Q. W ere you in town, or were you out in the country, with your father and mother? A. In the town .
Q. Do you remember what street you lived on? A. No sir I don't.
Q. Do you remember what part of Springfield, Missouri, you lived in, north, south, east, west or central?
A. Well, sir, I am not positive.
Q. No. Do you remember in whose house you lived in? A. No sir
Q. Do you remember who were your neighbors, who joined you in Springfield ?
A. Yes sir, I believe I can remember some; Elijah Graves was one of our neighbors.
Q. White or colored? A. White.
Q. What kind of a house did you live in in Springfield? A. Lived in an old frame house.
Q. You do not know to whom it belonged? A. No sir, I don't
Q. I don't believe you answered me what part of the town you lived in? A. I believe we lived in the north part.
Q. Yes, how far from the business portion? A. Well, I guess probably something like a half a mile.
Q. Yes, yes. About what was the estimated population of Springfield at that tim? A. I don't know sir.
Q. Was it a good sized town or a small town? A It was a pretty good sized town.
Q. Have as many as ten thousand people? A. I couldn't answer that, I wouldn't have any idea about how many people.
Q. How many railroads did Springfield have at that time?
A. Did not have nary one as I remember.
Q. How long did you continue to live there at Springfield?
A. Well, I guess we was there probably a year.
Q. Then did you move direct from Springfield down on Honey Creek? As you said, with your father and mother? A. Yes sir.
Q. Then you lived all the time in Springfield ,Missouri, until you came to the Cherokee Nation as you claim? A. Yes sir
Q. Did your sisters live there with you? A. Yes sir.
Q. You all lived there together? A. Yes sir.
Q. I mean from the close of the war till until you came back in the Cherokee Nation? A. Yes sir.
Q. You sure certain of that? A. Yes sir.
Q. You swear that? A. Yes sir.
Q. You never livedout of Springfield, Missouri, after the close of the war, before you came down to the Cherokee Nation, as you stated? A. No sir.
Q. Now, you came back to near your old home did you? A. Yes sir.
Q. You didn't know the years at that time, did you?
No sir, I didn't, I couldn't read or write.
Q. You couldN't read or write then? A. No sir.
Q. You had not been married then? A. No sir.
Q. Now how long after you left there before you were married?

MR. PATTENT After he left where?

Mr. HASTI NGS:

Q. After he left Honey Creek? A. I don't know sir.
Q. Well what is your best judgment? A. I don't know, something like five or six years probabbly.
Q. What is your wife's name? A. Laura.
Q. Where did you marry Laura? A. In Missouri.
Q. At what town? A. Joplin.
Q. How long had you been living in Joplin when you married Laura? A. I don't know sir; I expect two or three years
Q. Did n ot you just now state that it was five or six years after you left the place before you married ? A. Yes sir
Q. Well you went direct to Joplin from Honey Creek, did n't you? A. Yes sir.
Q. And you had lived there continuously? A. At Joplin.
Q. I mean you had lived at Jop;in all the tim after you left Honey Creek until you married? A. Yes sir.
Q. Do you remember the year you were married? A. No sir, I don't.
Q? You don't recollect that? A. No sir, I do not.
Q. What is your oldest child's name? A. Ida.
Q. How long hd y ou been married before Ida was born?
A. I don't know sir; I reckon probably about a year.
Q. About a year. Now according to the age given by Ida on June 10, 1901, which was given then as twenty-five , which would have made her born in about '75 or '76, was that about correct? A. I don't know sir. We did have their ages set down, but that Bible got tore up and I just don't know their ages at all.
Q. If she gave that as her age youmare not prepared to dispute it? A No sir.
Q. And you were married about a year before Ida was born?
A. Yes sir, something like that.
Q. And you were marriedat Joplin? A. Yes sir.
Q. Was Ida born at Joplin? A. No sir.
Q. Where was she born? A. She was born on the river.
Q. That was after you came back down here? A. Yes sir.
Q. But you was married while you was in Joplin?
A. I married in Joplin.
Q. You say you married in Joplin? A. Yes sir.
Q. And your girl Ida, was not born until after you moved down here is that correct? A. No sir?
Q. You mean that is correct? A. Yes sir, that's what I meant.
Q. If I understand you then, you claim you lived in Springfield till you moved down on Honey Creek? A. Yes sir.
Q. Then you went up to Joplin and remained there until you married, and then you moved down on Grand River?
A. No sir, I married after I moved on Grand River.
Q. Well, how long had you been on Grand River when you married?
A. I don't know ex actly; I reckon about a year.
Q. Then you had been back about a year when you married?
A. On the river?
Q. Yes? A. Yes sir, something like that I reckon.
Q. Then if I understand you you went back to Joplin and married after you had been down here on the river.
Q. Yes sir, I went back up there; we traded backwards and forwards you know.
Q. Now, I believe you stated that you left Springfield with your father and mother and came down on H oney Creek in the fall, did you? A. Yes sir, in the late fall
Q. Was it cold? A. It was getting cold.
Q. Do you remember whether there was any snow on the ground when you came there or before you got there?

A. No sir, I don't remember whether there was any snow or not.
Q. You did not know of any other freedmen settlements in the Cherokee Nation at that time, did you? A. No sir.
Q. That was the reason you did not move to those settlements is it. ? A. I don't know; my father moved up there because that was the place he knew.
Q. And you did not know of any other? A. For my part I did not.
Q. And so far as you know the others of your family did not know of any other? A. Not so far as I know.
Q. You never saw any freedmen while you were there? A. Yes sir.
Q. Who did you see? A. Saw a couple of men that came there.
Q. What was their names? A. Lynch.
Q. They came there to-gether? A. Yes sir.
Q. What was Lynch's first name? A. One was named Simon and the other Crap.
Q. Yessir. And they came there in the summer time didn't they?
A. No sir.
Q. If they swore they came there in the summer they are mistaken? A. If they say they saw us there in the summer ; we wasn't there in the summer.
Q. You wasn't there in the summer? A. No sir.
Q. You didn't get there till cold weather? A. No sir.
Q. These Lynch's told you where they lived didn't they?
A. Not that I rememberof; my father, I expect he knowed of their place in the Cherokee nation, because he had been with his old boss time of the war.
Q. Then he knew where the colored people lived, didn't he?
A. I don't know anything about what he knew.
Q. Now, how far did you move from the Dr. Polston place?
A. I don't know, I guess a mile and a half.
Q. What direction did you live from the Dr. Polston place?
A. I don't know directions there; I reckon it must have been north.
Q. Did not you testify when you was on the stand before that it was south? A. I don't know; because I am turned around I can't swear to directions.
Q. Who had occupied that house before the war that you moved in to when you came down there? A. I don't know sir.
Q. What kind of a house was it? A. A log house.
Q. Was there any stable, or any crib attached to the house?
A. It appears to me like there was a couple of shanties there.
Q. Yes. Well, you went over to the Polston place to see your old master and mistress, your master's wife, while you were there? A. Well, no sir.
Q. Do you mean that you was within a mile or a mile and a half of your old home place some two or three months, and never went over there? A. Why, no sir, I never went there.
Q. What did you do for those two or three months? A. Didn't do nothing; nothing in the way of work.
Q. What did your father do? A. Not anything that I know of.
Q. Neither of you ever attempted any kind of work while you were there? A. Not that I know of.
Q. You were the oldest boy? A. Yes sir.
Q. Well, now, who was living on the old Polston place when you returned to the Cherokee Nation?
A. I don't know sir.
Q. Do you mean to say that you were never over there?

Cherokee freedmen D 294-#9

A. Yes sir.
Q. You were not at any body's house in that whole country?
A. I don't remember bein except to but one house while I was there?
Q. Whose house was that? A. Simon Snail's.
Q. How far did he live from you? A. Well I guess, I can't be positive but probabbly a mile.
Q. What direction? A. Well now, then if I say direction, ot appears to me like it was what I would say north, but you know--
Q. North again? A. Yes sir, but I want to tell you I have got tangled up and turned around and I can't really say , west or north up there.
Q. You never lived on Honey Creek in your life, either before, during or since the war? A. Yes sir.
Q. Which side of the Creek was the Polston place? A. Which side of the creek? well, if my memory serves me right it's on the east side.
Q. Does that creek run north and south there?
A. Thats what I think it does.
Q. And which side of the creek did you people come to and go into that little old house as you stated?
A. On the east side?
Q. On the same side? A. Yes sir.
Q. Was there an old Washburn place around there.
A. Not that I know of.
Q. You never heard of it by that name? A. NO sir.
Q. Did not Washburn marry a relative of your master?
A. Yes sir, but that place was never known --I never knew it by the name of Washburn.
Q. Do you know a place known as the Ridge place near the Polston place? A. I think the Polston place was the Ridge place.
Q. You never knew of any Washburn place near there? A. No sir.
Q. You never knew of any other Ridge place near there?
A. Not I myself, but there was another Ridge place.
Q. How far from there? A. I don't know.
Q. You never heard of it? A. Yes sir, I have heard my parents tell of it.
Q. You never was on it? A. I don't remember ever being on it.
Q. Now, the last time you came to the Cherokee Nation you came down the old military road?
A. I guess so, I don't know.
Q. Don't know about that? A. A. We came from Baxter Springs.
Q. Yes. Did you come by way of Chetopa? A. No sir, came by way of Baxter springs.
Q What other towns did you come by- I am talking now about when you came down on Grand River this last time?
A. Never stopped in any towns.
Q. Did you come by way of Vinita? A. No sir.
Q. Well, you came down the Military road?
A. I don't know sir; we come the road from Baxter.
Q. Well, how is that? A. Well , Baxter from here is north.
Q. I am not talking about that; I am talking about how you came?

A. Well, Baxter is north from here; we must have traveled in a southwest direction.
Q. Yes. Now, where did you cross Grand River? A. Grand River? We crossed at Island Ford.
Q. At Island Ford? A. Yes sir.
Q. And that's right near where you stopped? A. Yes sir.
Q. Well, the old Military Road crosses at Island Ford does it not?
A. I don't know sir.
Q. Well, did you come down near where Afton is now, along in that direction? A. Afton?
Q. Where Afton is now; it wasn't there then I mean down through that prairie on down to Island Ford?A. Well, Mr. Hastings, I don't know just about where Afton is.
Q. Don't you know where that town is on the Frisco railroad, fourteen or fifteen miles east of Vinita, in the Cherokee Nation. A. I never was there as I know of.
Q. Well, did you come through the prairie down there till you struck Island Ford? A. Yes sir, mostly prairie.
Q. All the way? A. All the way? A. Yes sir that is--
Q. Well, from the time you left Baxter springs and struck the Cherokee Nation on the north side, did you come on the prairie all the way till you struck Grand River at Island Ford? A. I reckon we did; I don't know of anything along the road that I can point out.
Q. You never stopped from Baxter Springs down there?
A. You mean we came all the way from Baxter without checking up?
Q. I mean more than over night-- you never stopped to locate and remain any time more than just at nights and noons, on the way down there? A. No sir.
Q. Well, now, the old Polston place is away up on Honey Creek, isn't it? A. Yes sir.
Q. You didn't come by there that time- you came from Baxter Springs through the prairie? A. Yes sir.
Q. And the only time you ever came to the Polston place was that fall of '66 as you just now testified?
A. Well, no, we have been there since then.
Q. How long after that? A. Well, I don't know sir--that is we have been to Southwest City.
Q. You have been to Southwest City but you never were up to the Polston place? . (No answer.)
Q. In other words you didn't come by the Polston place when you moved down here? A. No sir.
Q. You swear that? A. Yes sir, we din't move by there.
Q. Well, now you are the same Cornelius Ridge that testified at Chelsea on June 7, 1901, in t is case?
A. I guess I am; I don't remember just the date, but I am the same man.
Q. Well, I will ask you if you did not state at that time, in answer to this question, with reference to the time that you claim to have come back near the Polston place for the first time, if you did not state at that time in answer to this question-Q. Did you go up to the old place while you were there?" Ans. "Polston place; Yes sir" "Q. Who was living there?" QAns. Dr. Polston." "Q. Was his wife there with him?" "A. Now, I am not right sure; let me think over

that a little; Yes sir, I think she was." "Q. Did she have any children there?" "A. Yes sir." Were not these questions asked you, and were not these answers given by you under oath when you were before the Commission to the Five Civilized Tribes at Chelsea in the matter of your own application on June 7, 1901? A. Yes sir; I think they was asked me at that time.

Q. Well, you swore then that you were up on the Polston place didn't you? A. Well, I had to make some kind of an answer I thought. I was some excited at that time, and after I had said I had gone there, I just stuck to it.

Q. The you acknowledge that you told what was not true? A. I made a mistake.

Q. You testified at that time that Dr. Polston was living there?

A. Yes sir.

Q. Is that true or false? A. Well, after I have thought over that I don't know. I never saw Dr. Polston. It was asked me by you I guess, and you had me just about mesmerized, and I had to answer something.

Q. You just thought you had to answer something? A. Yes sir

Q. You testified at that time that Dr. Polston's wife was there, was that true or false? A. Well, after I thought over my answers to the questions I seen that I was mistaken in that

Q. You testified at that time that we had some children there- was that true or false? A. That was a mistake.

Q. Now, at the same time, you were asked this question-"Do you remember any citizens you saw to live around there?" "Ans. No sir, I don't remember anyone." Was that question asked you?

A. Well, I will tell you- it is hard to remember, and after I had got to thinking over the matters I remembered a family there as I said; I wasn't in but one house while I was there.

Q. Well, didn't you have Mr. Edgar Smith of the firm of Mellette & Smith, representing you at that time, when you were examined and cross-examined? A. Yes sir.

Q. You had consulted with him; he was your attorney?

A. Yes sir, but I had not consulted with him anything in regard to that matter.

Q. I will ask you if at that self-same time this question was not asked you? "Q. Did you have any neighbors down there where you lived in that little house? A. No people living anywhere around you?" "Ans. No sir, none that I now of; none that I was acquainted with except Polston." Didn't you swear that? A. I will tell you Mr. Hastings, I don't know what I did say.

Q. I will ask you if the next question was not this--"Q. None except Polston?" "Ans. No sir none that I can remember now." I will ask you if your attorneys are not now, if they are not Messrs. Starr & Patten? A. Yes sir, that is who they are.

Q. And you consulted them before you made the affidavit which was dated November 15, 1905, didn't you

A. Well, no, I didn't, no sir.

Q. You don't now whether you consulted with them or not?

A. Before these affidavits was made?

Q. Yes? A. Well, I don't know.

Q. Did you consult with them at the time I was asking?

A. Now a question I want to ask you Mr. Hastings, is it the affidavits I written to the Secretary of the Interior myself?

Q. Well, no, I will explain to you that these affidavits purporting to have been made to attach to a motion to reopen your case on the 15th day of November, 1905, just a little over a year ago now, and signed by Cornelius Ridge, you consulted with them before that? A. Yes sir--

Q. Now, on June 7, 1901, while you were on oath before the Com-

mission, and while you were represented by Edgar Smith, of the firm of Melette & Smith, I will ask you if this question was not asked you--"You don't remember of any of these Indians that were living about you?" "Ans. No sir, I don't remember there was none living there that I know of." Was that question asked and answered by you?

A. I don't remember that.

Q. Is that true or false? A. Well, I will tell you at that time I didn't remember the name of anyone. These questions being asked and had to be answered right up and that's been a long time and I was only a boy then, and it required some time for me to think over them. I can't remember any names.

Q. This same kind of an investigation was given -- was gone over with in 1896, before the Kern -Clifton Commission when you people applied- This question was thoroughly gone into was it not? A. I guess so.

Q. Well, in 1901, it was just five years after those questions had been first thoroughly investigated wasn't it.

A. Wellll, I want to say not that I remember of.

Q. Well was the statements that you made on June 7, 1901 correct

A. Well, no sir, I don't think so. After I said I didn't remember of anyone, of course I stuck to it, but now, after consulting my mind and thinking over things and remembering the questions and answers, I know I have remembered the name of one man and remember seeing at one man's house, and date back at one time.

Q. I will ask you if during the same investigation if this question was not asked you--not by me, but by your own attorney Mr. Smith : "Q. Why did you leave the Nation, the Cherokee Nation at that time?" "Ans. We didn't have anything to live on." I will ask you if Mr. Smith, your own attorney did not ask you that question, and if you did not make that reply?

A. Yes sir, that may have been, and I like to say right now, that after that question was asked and answered to I seen that there was something of more importance that compelled us to leave there.

Q. Yes. You did not then consult with your attorneys, Messrs. Starr & Patten, did you? A. Why, no sir.

Q. And during that whole investigation in 1896 and during that whole investigation there in your case and in your father's case in 1901, when you introduced testimony, you never said a word at that time about the Indians running you off of this place, did you? A. Not that I know of, but I would like to say here, Mr. Hastings, that while this was not mentioned, after thinking over the matter a while, I seen that it should have been mentioned, because it was facts, and nothing but facts.

Q. For you never said anything about the Indians being so desperate until after you had consulted with Messrs. Starr & Patten, your present attorneys , when it was embodied in the affidavit of November 1905.

A. Not that I remember of; but Mr. Starr and Patten that is our in not any conflict theirm. I will tell you that they knew I remembered these things, and I mentioned it.

Q. You never mentioned it until after you consulted them?

A. I never mentioned it to them; Did not jog my memory.
Q. I never said that they jogged your memmory? A. I remembered it and I mentioned it and they said it was very important and for me to testify to them facts, and that is what I am trying to do.
Q. Now, I will ask you, in that affidavit of November 15, 1905, if you did not state "We went from Joplin to Baxter Springs Kansas, and from there followed the Military Road down to Lynch's prairie, and stopped on the west side of Grand River"--that is referring to your last return to the Cherokee Nation? A. Did I make that statement? I guess I did.
Q. Well, the Military Road did not come down Honey Creek did it?
A. Not that I know of.
Q. You don't know then, who was living on the Polston place when you claim to have first come back there? A. No sir, I really do not.
Q. You can not swear whether there was anybody living in the house or not can you? A. No sir.
Q. You never was over there, were you? A. Never was right on the place.
Q. Was there any field connected with the house in which you lived? A. No sir.
Q. Well, now, I understand you to say that you just lived in a that little cabin in which you moved, and that you left there and went to Joplin, did you? A. No sir.
Q. You never worked for anybody during that whole time?
A. Not that I remember of.
Q. You never did do a day's work there? A. Not that I remember of
Q. And your father did not? A. Well, as a matter of fact I don't know just what he done, because---
Q. If he did a day's work there you did not know it?
A. No sir, I don't know anything about it.
Q. Where did you get your provisions? A. We took provisions with us.
Q. Enough to last you for three months? (No answer)
Q. Do you mean to say you had money? A. No sir, we did not have money and if we had I don't know where we could have bought any, there wasn't any down there.
Q. Well, you just moved down there and stayed in that house two or three months and did no kind of work and then moved off?
A. Yes sir, we were that hunted around.
Q. Hunted around? A. Yes sir.
Q. You never put in any crop down there? A. No sir.
Q. You did not have any field put one in? Did you? A. No sir.
Q. How far were you from any field? A. I don't know.
Q. How far were you from Honey Creek? A. I couldn't say, I really don't know.
Q. Will do you give any idea about it. A. Do mean to say you hunted around there for three months, two or three months, stayed there all the time, and don't know anything about the creek.

A. Well , it is hard to remember all these little things; but if you ask me the distance from the creek-- the creek-- well, I don't know, but I will say perhaps something like about a mile.
Q. A mile, you think? A. Yes sir.
Q. How do you know how far you were from the Polston place when you were never on it? A. Well, we were passed right by there.
Q. Were there people living in the house? A. I don't know.
Q. Do you mean to say that you would pass right by the place where the sister of your young master had lived , and it was the old home place, and you lived there within a mile of it or a mile and a half, for two or three months and you never made any inquiry as to who lived on the old place?
A. Yes sir, I mean to say just hat.
Q. You never heard or seen them? A. Not that I remember of
Q. You never met them? A. Not that I remember --.
Q. You never went over to appeal to your youngmaster or your young master's wife for protection when those Indians were about to mob you? A. For protection? No sir, we did not go there , and I don't see how a person could go anywhere for protection in a place like that.
Q. Now, do you know the name of any one of those Indians?
A. No sir, I don't.
Q. You did not recognize a single one of them? A. No sir, we did not.
Q. Were they full bloods? A. Full bloods and half breeds.
Q. Talk Cherokee or English? A. English and Cherokee too.
Q. Did you have guns; you people ? A. Yes sir, we had two guns.
Q. But you never attempted to defend yourselves? A. My goodness alive, what do you say? No sir, we never attempted to show any gun, and I reckon if we had we would all have been slaughtered right there.
Q. Then you just pulled up and left that little old cabin in which you moved and went up to Joplin Missouri, did you?
A. Yes sir.
Q. You never done any work while you were down there? A. No, sir.
Q. Nor your father did not? A. I don't know what he done.
Q. You never saw him doing a days work while you were there?
A. No sir, I never saw him.
Q. You are positive about that you never made any field down there? A. No sir/
Q. You never made any house? A. No sir, we didn't make any house; we got some poles but we never did make it.
Q. You just left them out in the woods where you got them?
A. Yes sir.
Q. And you just now swore that you never did a days work while you were there? A. You know I meant we never did a days work for any person.
Q. You just left those poles out in the woods, never put them up, you answered that? A. Yes sir.
Q. You never put them up? A. No sir, we never did.
Q. You never did any work there? A. Not that I --Now, you asked me about work, I meant we never done any work for wages.
Q. But I am asking you about the poles--you never put them up?

A. No sir.
Q. Never built any house? A. No sir.
Q. Just cut them and left them out in the woods--is that right?
A. Yes sir.
Q. And that is all the work you did?---You must answer it?
A. You got after me so so quick along there I don't know, I may have done some work around the place.
Q. But you said there was no place there? A. Well, if I say now, it was not what I would call a place, but I guess I will just answer that that I never done any work.
Q. Only cut some poles out in the woods? A. Yes sir.
Q. There was no farm or cultivated lands or fields connected with the house in which you lived was there? A. No sir
Q. You say you don't know what year you got married? A. No sir.
Q. Do you know when anyone of your children was born? A. No sir
Q. How many have you got? A. About six.
Q. Do you know when one single one of them was born? A. No sir, I do not.
Q. Do you know within four years of when any one of them was born? A. No sir, if I had to name the year I couldn't do it. I had them set down in a Bible, but that got destroyed, and I never looked after that.
Q. You don't know one year from another? A. Yes sir, I know the years.
Q. You don't know the way they come? A. No sir, I don't know about that.
Q. Have you ever lost any children? A. Yes sir.
Q. When did the first one die? A Well, I don't really know when the first one died, but I reckon it has been about--
Q. Do you remember the year? A. No sir.
Q. Do you remember within four years of the year? A. I might, if I had a little time to study it, but I can't answer that question right at once.
Q. What kind of a house was this old Polston house?
A. The house on the Polston place?
Q. The one you lived in; I mean what is known as the old Polston place?

MR. PATTEN:

Q. State whether you mean the one he lived in or the house on the Polston place?

Q. I said not the one you lived in, the house on the Polston place,
A. It was a frame house.
Q. When was the first time you were ever there after the war; you said you were not there this time-- now, when was it you were going to Southwest City and stopped-- A. I never was in the house.
Q. You never were right there? A. I have been in seeing distance of it.
Q You mean passing along the road?
A. Yessir.
Q. Well, how far is the road from it?

A. Well, let me see, I don't know as I can answer that question correctly.
Q You were never nearer the house than the road, when passing along it? A. I believe that the house, the field, I believe, the stables are near the road, and the house stands further back from the road, It is not but a little distance I guess from the road.
Q. Well, about how far? A. Is the house from the road?
Q. Yes sir? A. Well, I expect it is about three-quarters of a mile
Q. And that is the nearest you have ever been to that place since the war? A. No sir, it aint.
Q. I thought that you said awhile ago that you were never there but that you passed along the road?
A. No sir, I don't remember saying that.
Q. Well, that is the truth? A Well, I have been traveling near the place. Near you know, along the road.
Q. You say you never were in the house-- at the house?
A. No sir, I never was in it.
Q. Was you ever nearer than the road? A. Not that I remember of now.
Q. You never saw Col. Boudinot after the war?
A. Yes sir, I saw him. When I saw him was in Vinita.
Q. In Vinita? A. Yes sir.
Q. That was after you moved down here the last time? A. Yes sir.
Q. Prior to that time you never saw him? A. No sir.

BY MR. PATTEN:

Q. You say that you are mixed up on directions over in that country? A. Yes sir.
Q. Was that because those Indians scared you so bad you never did get it right.

MR. HASTINGS: Objected to as bein leading.

Q. How long did you live at Baxter Springs before you moved down on Grand River? A. Baxter?
Q. Joplin, I meant to say? A. I don't know, three or four years.
Q. Did you move down on Grand River and did you live in that neighborhood before you were married? A. Yes sir.
Q. And you married your wife up at Joplin? A. Yes sir .
Q. You say Mellette & Smith represented you the first time? A.
A. Yes sir.
Q. Was that during the same time that they had a whole lot of cases, and was following the Commission around over the country from place to place trying them?
A. The Dawes Commission?
Q. Yes? A. Yes sir.
Q. It was at that same time that they had so many of these cases was it? A. Yes sir.
Q. This affidavit that you made about a year ago, did you make it before Mr. Starr and I or before Mr. Bulger Or
A. Before Mr. Bulger.
Q. You said something about not working for anyone while you were up on Honey Creek, was there anyone up there to work for?
A. No sir, I never knew of anything to do up there at all.
Q. Now, in regard to this old Polston place and this place where you lived up on Honey Creek, were you acquainted with the directions and location of these places before the war?
A. No sir.
Q. Did not you live there before the war? A. Yes sir, but I wasn't but just a lad, and I was with my mother

and I wasn't allowed to go around anywhere with freedom.

MR. HASTINGS:

Q. When did you first see Dave Mc Ghee? A. Dave McGhee--
Dave McGhee? well, I don't know .
Q. Did you ever see him in your life? A. Who is Dave?
Q Dave McGhee? A. Is he a Judge?
Q. No, he is not Judge. A. Was he ever a Judge.
Q. No. I think his brother was Clerk, or maybe a Judge; he held a good many offices.
A. Well, I never seen him to know him only at the Commission Court at Chelsea.
Q. Well, that perhaps was his brother, Jeff McGhee--T. J. McGhee Now, did you ever know the brother of that man you appeared at Chelsea before, Dave McGhee? A. I never knew him by that name.
Q. Did you ever know either of the McGhees before the Court at Chelsea in 1901? A. I had seen them.
Q. When did you see them? How long before that?
A. Well, I don't know, sir.
Q. What is your best judgment now? A. Well, now I want to say this, that while we were there on Honey Creek I remember the name of McGhee.
Q. But you don't remember seeing them? A. I don't remember knowing them at all.

ON BEHALF OF COMMISSIONER:

Q. When you came to the Cherokee Nation after the war which way did you come from Springfield Missouri , to Honey Creek.
A. Came in by way of, I think it was from Keesville or Cassville, Arkansas, which one it is I don't remember.
Q. Do you know where you crossed the line between the Cherokee Nation and Missouri?
A. No sir, not just exactly where, I crossed the line. If I knew which one of those places was nearest the Territory-- anyhow, it was between that town-- the line is this side of that town, I don't know the line.
Q. Are these towns you refer to in Missouri? A. No sir, they are in Arkansas.
Q. Who returned with you in 1866? A. My father and mother, two sisters and brother.
Q. You did not pass by Southwest City, on your way down?
A. No sir.
Q. Do you know whether or not Southwest City was founded at that time? A. No sir, it was not.
Q. Did you pass by the site where the town now stands? A. Yes sir, I believe we did; may have passed there.
Q. You say you lived in the Cherokee Nation three or four months at that time and then went to Joplin, Missouri? A. Yes sir.
Q. In making that move did you pass by where Southwest City now stands? A. No sir.
Q. Do you know whether or not the town had been started when you moved from Southwest City to Joplin?
A. No sir, there was no town there. There was one store .
Q. What was the name of that place? A. Honey Creek, was all the place I knew for it at that time.
Q Was that the place where the store stood?

A. Yes sir.
Q. Is that the present site of Southwest City, Missouri?
A Yes sir, that is all the name I ever knew for it.
Q. Honey Creek? Was that over in Missouri? A. No sir, Honey Creek-I think it heads right there about where Southwest City is now. And Southwest City I think is right on the line, part of it perhaps in Missouri and part of it in the Territory.
Q. But this store you refer to at that time, was right where Southwest City, Missouri is now? A. Yes sir.
Q. There was a store there at that time? A. Yes sir.
Q. Now, do you know what year it was that you left the Nation and moved to Joplin, Missouri? A. No sir, I don't. I have said, I think I testified, that we went from the Territory to Missouri, but we went from Arkansas. Our owners, my boss, I started to say our boss used to be to this old Ridge place up here, it is the Polston place, and he had one sister living in Arkansas, and he had no wife, and we stayed part with his sister there in Arkansas, and so we went from there.
Q. That was the first time you went to Missouri--during the war?
A. Yes sir.
Q. I meant after the war, when you left the Cherokee Nation the second time? A. Yes sir---I can't answer that.
Q. You say you do not kno the year you left the Cherokee Nation after the rebellion? A. Yes sir, I know the year.
Q. What year was it? A. It was in '67.
Q. How long did you live in Joplin, do you know that? A. Something like four years.
Q. Can you name the years? Now you left there in '67?
A. Yes sir.
Q. You were there during the year '67? A. Yes sir.
Q. Well, just name the other years you were there, if you can?
A. Well, sir, I guess we must have been there until about '71.
Q. And then you moved from there back to Grand River in the Cherokee Nation? A. Yes sir.
Q. Who was with you at that time? A. My father and mother and sisters and brother.
Q. And how long did you live on Grand River in the Cherokee Nation before you returned to Joplin, Missouri, after your wife.? A. Something like a year or two, I guess.
Q. Do you know in what year you were married? A. No sir, I do not, positive.
Q. Do you know about what year? A. I expect probably about '72, sir.
Q. About 1872? A. Yes sir.
Q. Do you remember the first time you were before the Commission in this case, when you made application, you were asked this question--"Q. When were you married to her? (referring to your wife). "A. I don't know sir about '67 I guess."?
A. No sir, I do not remember that. If so, I made quite a mistake.
Q. You were also asked this question--"Q. Brought your wife back with you when you came?" "A. Yes sir." ?
A. Yes sir, I remember how that question was asked I believe, that is how my understanding of it was.
Q. Well, explain it?

A. My understanding of it was, when I was married did I bring my wife witnme. That was my understanding of it.
Q. Well, how long did you live up there after you married, before you brought her down here? A. Why, we just came right down.
Q Well, that time you said you were married in '67 and brought your wife down when you came?
A. That was a mistake; I was not married in '67 because I was not married the same year we left the nation
Q. What were the names of those two freedmen you saw in the Nation in '66? A. Simon Lynch and Crap Lynch
Q. Do you know what they were doing up there? A. No sir, I don't know really, they might have been up there to mill, I don't know, I don't remember what their business was.
Q. What mill was located there? A. Now, I know the mill, but I have forgotten the name it was. It was an old water mill, but who it was in the name of I can not say.
Q. How far was the mill from where you were stopping at that time? A. Well, to the best of my knowledge it was a mile or a mile and a half, I don't suppose it was over that.
Q. Which direction from where you were living?
A. Now according to the way I have got that country fixed up it was north. I am somehow turned around; I can not be sure about that part of it.
Q. While you were living up there, did you know the directions then? A. I don't know; I don't remember; by seeing the sun rising, I could tell that.
Q. Well, referring to where the sun rises, which way was it?
A. Well, I will say it was down Honey Creek from where we lived which I will say seems to me like it was north.
Q. You said in your direct examination that you believed that you lived two miles north of Southwest City, Missouri?
A. Yes sir, I believe so, of where Southwest City is now.
Q. Are you right sure you were living in the Cherokee Nation in '66? A. Yes sir. We were.
Q. Southwest City, Missouri, is not in the Cherokee Nation is it? A. Part of it is, I believe, I think the line divides the town.
Q. You say Honey Creek heads at Southwest City?
A. I think so, right about there.
Q. Which way does it flow from there?
A According to my idea of directions I think it flows in a northeast direction .
Q. And you think you were living about two miles down the creek, and that that was north? A. Yes sir.
Q. Do you know whether this mill was owned by a citizen of the Cherokee Nation? A. Yes sir, it was owned by a Cherokee, I think a fullblood, I can't get the name of the man owned it now; I know it, but I can't call it. to mind.
Q. Did you know the name of the owner at the time you lived there in '66? A. Yes sir, that is when I knew the name of the man, and the mill, but to say now the owner, I don't know the owner ; I reckon the mill went by the name of the man that owned it.
Q. Were you ever down to the mill during the time you lived there?
A. Yes sir, I was at the mill once, as well as I remember.
Q. What were you doing down there?
A. I don't know sir, just how I come to be there.

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Q. What kind of a mill was it-- what did it grind? A. Ground corn. It was just a little mill, a water mill, just had I think corn burrs.

Q. You have only been married one time have you? A. Yes sir that's all.

Q. Your wife is a state woman? A. Yes sir.

Q She neither claims nor possess any rights to Cherokee citizenship does she? A. No sir.

Q. Your children do not claim any rights except such rights as they may get through you? A. No sir.

Q. You say this water mill was down Honey Creek from where you lived? A. Yes sir.

The hour of 12 M. having arrived, this case was continued until 1:00 P. M. of this day.

The undersigned being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly recorded the testimony taken in this case, and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M. Bowman

Subscribed and sworn to before me this 17th day of January, 1907

B. P. Raymond
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, INDIAN TERRITORY,

DECEMBER 14, 1906.

FURTHER Testimony taken in the matter of the application for the enrollment of Katie Ridge et al., as Cherokee Freedmen, pursuant to adjournment to 1:00 o'clock p. m., December 14, 1906.

JOE FOX, being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

BY MR. PATTON:

Q State your name? A Joe Fox.
Q How old are you, Mr. Fox? A Sixty-three.
Q What is your postoffice address? A Grove.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Where did you live before the war? A I lived on Honey Creek, right above Missionary, - Big Spring, around Big Spring, right west from there.
Q How far was that from the present site of South West City?
A About one hundred miles.
Q Was that in the neighborhood of what was known as the Doctor Polson place? A. That is about two mile from the Polson place.
Q Did your family, the Fox, live in that neighborhood before the war, on Honey Creek? A. Yes, my mother she lived right there at the Big Springs. When the war come up I left there,
Q You went to the army? A Yes sir.
Q Where did you go after the war was over? A. I think I was down near Fort Gibson, over there in '65, the 30th of May. My folks lived right there close to Spavinaw postoffice. My folks and my mother and children lived there.
Q How long did you stay there at Spavinaw? A. That year I come up and was discharged, - I left off to plant corn, and I went back to camp again at Fort Gibson; come back and we just stayed there and made a crop there.
Q In 1868? A. Yes sir.
Q Did you make a crop in 1866? A. Made two crops in there.
Q Made two crops? A Made two crops.
Q Made one crop the year the war was closed? A. Two crops.

Q You mean one the summer the war closed, and one the next summer? A. Yes, '65, and the next summer I made a crop again.
Q After you got that crop in next summer, what did you do?
A Went on Honey Creek, old place there where I used to live.
Q Where you lived before the war? A. Yes sir, all moved back there.
Q Now what time of year was it that you moved back on Honey Creek? A. I can't tell, something, about pretty nigh, something like about Christmas.
Q When you got back there were there any colored people living there? A. No, wasn't allowed colored people, - we got about two or three or four months moved in. We had two places about a quarter of a mile apart; we lived on this side that Big Spring, there was an empty house there, and that is when them colored people moved in.
Q Sometime after you got back up there some colored people moved into that empty house? A Yes sir.
Q Whose place was that? A My mother's place.
Q Did your mother, - how long did she keep that place?
A Something, - I can't tell exactly, you see the way they done, before we were discharged that had been sold.
Q Had been confiscated, had it? A. Yes sir. - - Somewhere near Spavinaw, - when we were talking here a big man that come up and saw mother and wanted to buy the place. Mother sold part of the place.
Q Your mother sold that place to Qualatah? A Yes.
Q About how long before you went back before your mother sold this place to Qualatah? A. I can't hardly remember; been so long ago. I know he sold to some party, nigh spring looks like.
Q About next spring? A Yes, about three or four months.
Q When she sold this place to Qualatah?

MR. HASTINGS: He has not stated colored people lived in this house, and besides it is leading.

BY MR. PATTON:

Q When your mother sold this place to Qualatah were these colored people still living in that house on that place? A. Yes. - - I believe I could tell you a heap better not to ask questions.

MR. PATTON: Alright.

A When we sold, - mother sold that place, and that nigger after that, - moved down there, - nigger come in that house. When he sold, left after we sold it. Qualatah he bought the place, - Qualatah I heard, I didn't see, I heard that he went down and got drunk and run them off. I heard that.

MR. HASTINGS: I move that part which he claims to be hearsay be stricken from the record.

MR. PATTON: That is general reputation as to that.

MR. HASTINGS: As to what?

MR. PATTON: As to running them out.
General reputation is one of the exceptions to the rule in admitting hearsay evidence; there are four or five exceptions.

Further testimony of this witness was taken through W. P. Drew, official Cherokee interpreter:

BY MR. PATTON:

Q When your mother sold this place to Qualatah, - at the time she sold it to Qualatah, then were these colored people living in that house?

MR. HASTINGS: Objected to; the form of that question should be "who is living in that house".

BY MR. PATTON:

Q When you and your folks moved on Honey Creek, about where did you move, in what neighborhood on Honey Creek did you move? A. There was two houses about a quarter apart, and we moved just this side of these two houses in another house. The house we moved into was empty, right close to the Spring, nobody living there then on that place of my mother's.
Q How far was that from where South West City now is?
A About three miles.
Q Did any one after that time ever move into that house you said was empty? A. Yes, there was a darkey come there, but I didn't know them.
Q About when did these darkies come there? A. I can't exactly say when they come there, but my mother was still on the place when they come.
Q Did your mother ever sell that place? A. Yes, sold the place to Qualatah.
Q About how long was it after you came up on Honey Creek before she sold that place to Qualatah? A. As I said awhile ago, somewheres about three or four months afterwards.
Q Was she living in that house when she sold it to Qualatah?
A No one living there at the time it was sold; some time afterwards the niggers moved in there, but I don't know what their names were.
Q Did the negroes move in that house before or after your mother sold it to Qualatah? A. I can't state exactly whether it was before or after. Sometime after we moved on Honey Creek when she sold the place to Qualatah.

Q In your judgment, about what time did those negroes move into that house? A. That is a very hard question to answer, for the simple reason I didn't pay any attention to the dates as time passed by.

Q Do you know whether or not the house was empty when you sold it to Qualatah? A. I think it was empty.

Q You think that the colored people didn't move into that house until after Qualatah bought it? A. I think that is the way of it; when Qualatah got ready to move, we also moved. Qualatah come home drunk one time and run the niggers off.

Q Awhile ago you stated that these colored people were living in this house at the time Qualatah bought it from your mother, which was as you stated some three or four months after you moved up on Honey Creek, and you have just now stated that you didn't think they were living in the house at the time Qualatah bought it and moved in afterwards, now which is right? A. These things happened, been forty years ago. All I can remember is that the niggers came to that house and moved in there, but as to what date it was I can't say. That is my recollection, and then another thing I don't know the niggers, don't know their names.

Q You don't know the names of those colored people that were in there, do you? A No sir.

BY MR. WASTINGS:

Q You got back there about Christmas, 1866?

A Some wheres along there.

Q And some three or four months after that your mother sold this place to Qualatah? A Yes sir.

Q That would have been along in the following spring? A Yes, some wheres in the spring.

Q That was after crops had come up? A Yes sir. At the time we moved in that summer, on one of them places, we were going to plant some corn.

Q It was in the spring? A Yes sir.

Q Some time after that you saw these negroes there?

Q Yes sir, some time after we lived near South West City, when I saw these niggers.

Q How many stores were in South West City then, Joe? A One.

Q Who had the store there, Joe? A Sturgis.

Q Was there a postoffice there? A I can't say whether there was a postoffice there at that time.

Q You didn't know these negroes' names? A No sir.

Q Of course, you don't know what year it was? - - You aint testifying about the year, - you haven't testified as to the year? A No sir, I can't tell what year.

Q Where was that house from the Polston place?

A About two miles east from the Polston place.

Q On what side of Honey Creek was it? A Polston, there on the south side of the Creek; we were on the south side of the Creek.

Q On the same side of the Creek? A Yes sir.

Q Was there any mill around there? A At that time wasn't any mill; some time after a mill was put there.

Q How far down the creek, six or seven miles? A. Mill was erected in South West City some time after that; some time after a mill was put in South West City, another mill was put up two miles down the creek, -
Q Dan Muskrat put that up? A Yes sir.
Q Above the mouth of White Water? A Yes sir.
Q Some six or seven miles down there? A Right close up.
Q How far, about two and a half miles? A Yes sir.
Q That wasn't put up until afterwards? A Sometime after.
Q About how many years, four or five? A Four of five.
Q You never saw Qualatah run these folks off; you heard that?
A No sir.
Q You never saw them negroes there; you heard that, Joe?
A I saw the nigger, but I didn't know who he was, and I never seen him when he run them off.
Q You don't know how long they stayed there? A No sir.
Q One day or two days? A No sir. I can't tell you how long; stayed there awhile, Qualatah come, -
Q Run them off? A Yes sir.
Q Two or three days? A I couldn't tell you.
Q Best of your judgment, three or four days, or a week?
A I couldn't say how long they stayed there, been too long ago.
Q That was in the spring of the year after corn was up, you stated awhile ago? A. Yes sir, some wheres along in the spring of the year.
Q Did you ever see them there but just one time? A. Yes, I saw them one time as I started to town, went right by there.
Q That is the only time you saw them? A Yes sir, about a hundred yards off.
Q About a hundred yards off the road? A Yes, road run right by that place.
Q You stated you saw them about a hundred yards off?
A I passed a hundred yards right opposite where the house was; road was running right by the house.
Q That is the only time you saw them? A That is the only time I saw them.
Q Are you married? A Yes sir.
Q Married before the war? A No sir, I wasn't married at that time.
Q Married after the war? A Yes.
Q How long after the war? A. I couldn't say how long after the war; going by my oldest child, must be about thirty years old.
Q You don't know what year it was, then? A No sir.
Q Were you just married one time? A Twice.
Q When were you married the second time? A Married 30 years ago; my first wife got a divorce from me.
Q You don't remember years very good, do you? A No sir.
Q Too long to remember the years? A Too long; I didn't pay any attention to it.
Q You just passed along the road one time and you saw some negroes about a hundredyards off in this house? A. Yes, I was going along the road and I saw niggers right in there, and I heard niggers living in that house.
Q You were going to South West City? A Yes sir; some body said niggers living in that house.

Q Thatis all you know about it? A Yes sir.
Q You never saw the negroes, and didn't know who they were?
A No sir, I didn't know who they were, but I saw a nigger.
Q Just one man? A. I seed children, looks like.
Q Eight or ten? A No, I 'spect about two or three, looks like, that's all I could tell. Of course, I doN't know.
Q You never did know them? A Never did know them.
Q Didn't want to know them? A Well, I don't know, - that is all I can tell, is my judgment.
Q You were going to South West City, Missouri? A Yes sir.
Q Going along the road at that time? A Yes sir.
Q Who was going with you, - going to get some whiskey? A Yes.
Q Who was selling whiskey up there at that time?
A I can't say; some white fellow.
Q Who was selling whiskey there then, Joe? A Well, I can't tell, - used to sell it, Colonel Shields.
Q Was he selling whiskey at that time? A Yes, he used to sell whiskey there at this town.
Q Good saloon? A He used to keep a good one.
Q When you was going up there at this time? A Yes sir; Colonel Shields used to sell whiskey there.
Q That is what youwere going up there for then? A Yes.
Q Who else had a saloon up there at that time? A Right smart men then, I can't tell who.
Q How big was South West City at that time? A One store.
Q One saloon? A Yes sir.
Q That saloon was run by Shields? A Colonel Shields.
Q And that is when you went up there that you have told about here? A Yes sir.

BY MR. PATTON:

Q Was that when you saw the negroes, the time you went up where South West City is, - talking about the fellow that sold the whiskey, - was that the time you saw the negroes?
A Yes, about somewheres along there, the way I can remember.
Q What were you doing when you went up to that place and saw these negroes, where were you going? A. Going to South West City; going up to that place, - some body talking, I reckon nigger living there.
Q How long after you moved up to Honey Creek was it before you saw these negroes, do you know how long it was?
A. I don't know, I can't tell; too hard a question to answer, been too long ago.
Q Did you gather your corn upon Spavinaw before you moved to Honey Creek? A. Yes, I done put it away.
Q You gathered your corn down at Spavinaw and moved to Honey Creek, you stated? A. Yes, put it in old house on Spavinaw.

ON BEHALF OF THE COMMISSIONER:

Q After you moved up on Honey Creek, how long did you live there? A. How long I live there?
Q Do you still live there?

A Yes, I live on this side; I been right there ever since I moved to Honey Creek.
Q You have lived in that vicinity ever since, have you?
A Yes sir, about four or five miles south of Grove.
Q You have lived in that immediate neighborhood ever since you moved there after the war? A Yes, I been there ever since.

(Witness dismissed).

WILLIAM H. SUTTON, being first duly sworn by R. P. Rasmus, Notary Public, testified as follows:

EXAMINATION

BY MR. PATTON:

Q What is your name? A. William H. Sutton.
Q How old are you? A Fifty-two.
Q What is your postoffice address? A Grove.
Q Did you ever live in the vicinity of Honey Creek near South West City? A Lived all around South West City; I don't know as I ever lived right on the Creek, - quarter or so from the Creek.
Q Did you live in the neighborhood of the Doctor Polston place? A Yes sir.
Q When? A Lived in there from about '77, - around the Polston place, on up until about '79.
Q Where did you live around '67? A. Down south of there, Wet Prairie.
Q How far was that away? A Must have been four or five miles.
Q Were there any Indians, full-bloods and half-breeds, living in that country then? A Yes sir.
Q Do you know what their sentiments were towards the colored people? A No, I don't know as I do.
Q Do you know of any instance where it was manifested or showed what it was? A. Run a family of niggers out of there by the name of Emersons.
Q When was that? A In '67.
Q What were those negroes names? A Frank Emerson.
Q Where did they come in and settle? A Close to Boukanah's old factory.
Q And the Indians run them off? A They said it was Indians.
Q They were run out? A Yes sir.

BY MR. HASTINGS:

Q That was on the line of Arkansas, on Wet Prairie? A Yes.
Q Right immediately around that old factory was white men on the Arkansas side and half-breed Cherokees on the other? A. Full bloods most of them; some of them mixed breeds.
Q Right around Wet Prairie? A Yes sir. Several full-bloods lived down on the Creek.
Q How far off? A I don't think it was over a mile.
Q You don't know who run them off? A. No sir, I didn't see them.
Q Might have been white people for all you know? A I don't know.

Q Them Emersons were not Cherokee darkeys, nor didn't claim to be? A. I don't know about that; they plowed the cotton and began to clean off.
Q Do you know the date? A. 1877; they come there in the fall before it began to get cold; they come there in the fall of 1866.
Q You don't know what Indians were there? A No sir.
Q You don't know where Emersons went to? A No sir.
Q Is Mr. Starr or Mr. Patton your attorney in any legal matters? A No sir.
Q Haven't they been in some contest cases?
A Mr. Starr, yes sir.
Q In the trial of that this fall? A. Yes, they had a contest case for me this fall.

BY MR. PATTON:

Q Where did you live in 1866? A. We come back to this country, - in the spring of '66 we lived in Kansas. I think we landed here about September, on the Illinois river. We come back up to Polston's , - in that neighborhood.
Q After you came up around there, did you ever hear of any negroes being run out of there? A. Never knowed of any other niggers in there.
Q Did you ever hear of any that had been run out before you came in there?

MR. HASTINGS: That is too indefinite, and we submit that such testimony should not be permitted.

MR. PATTON: Sometimes, in order to show the disposition of these Indians, - it is necessary to show what had been done up there. It is a well settled rule that after a long lapse of time you can show a condition by general reputation; that is one of the exceptions to the rule of hearsay evidence.

A We got there along in the early part of the fall of '66; I guess we went there in the fall of '66, - along some time.

ON BEHALF OF THE COMMISSIONER: If he was there, you can bring it out properly.

BY MR. PATTON:

Q You testified about certain Emerson negroes being run out of there? A. Yes, lived right there.
Q Outside of these Emerson negroes being run out of there, did you about that time hear of any other negroes?
A Right around there, I don't believe I did.

Q You never heard of any others being run out of there around through that country? A. That's a pretty hard question for a man to answer.
Q If you don't know, say so? A. When it comes to know, I don't know.

ON BEHALF OF THE COMMISSIONER:

Q What is your citizenship? A Cherokee citizen by blood.
Q You have lived here all your life? A. Yes, all my life, except a little time during the war.

(Witness dismissed).

JAMES CARRICO, being first duly sworn by B.P.Rasmus, Notary Public, testified as follows:

EXAMINATION

BY MR. HASTINGS:

Q What is your name? A James Carrico.
Q Your age? A Sixty-three.
Q Your postoffice address? A Lynch.
Q Indian Territory? A Indian Territory, Yes sir.
Q Are you a citizen of the Cherokee Nation? A No sir.
Q A whiteman? A Yes sir.
Q Citizen of the United States? A Yes sir.
Q Where were you born? A I was born in Franklin County, Indiana.
Q Where did you live during the war, - were you in the army?
Q In the army awhile, yes sir.
Q What army? A Northern.
Q Where did you settle at the close of the war?
A Danville, Illinois.
Q Is there a Franklin County in Illinois? A Yes, just adjoining counties, line between them.
Q What time did you settle there at Danville, Illinois?
A In about '65.
Q After the close of the war? A Yes sir, I was back there in May '65.
Q How long did you continue to live there in Danville?
A I was there for a good many years at Danville most of the time.
Q You do not now live there? A No sir, left there fourteen years ago.
Q Where did you move to then? A Come to the Cherokee Nation.
Q How far from your present location? A About four miles from where I am at now.
Q After coming to this vicinity in the Cherokee Nation some fourteen years ago, did you meet here a person whom you had previously known in Danville, Illinois? A. Yes sir, Mr. Ridge, I had seen him there in Danville.
Q Look at this applicant here and say whether or not this is the same party? A That is the same man, right here. (Indicating the applicant Cornelius Ridge).

Q You knew him in Danville, Illinois? A Yes sir.
Q Recognized him when you met him here some fourteen years ago?
A Yes, I recognized him the second time I met him here; he come to my house to borrow a wagon.
Q Did you talk about having met him in Danville, Illinois?
A Yes, he told me he had lived there.
Q When did you first learn, or know him there? A. Sometime during the summer following. I cam there in May.
Q Summer of '65? A Yes sir.
Q How long did you continue to know him there? A. I can't say for certain. I knew him during '65, and up I reckon close to two years after.
Q Did you know him during the year '66? A Yes sir, that is my best recollection.
Q Did you know him during the year '67? A. Part of the time.
Q What is your impression or opinion as to when he left there?
A Well, I don't know exactly; I can't say when he left there. I can't say that, - it was in the first part of '67, between that and '69. I never had paid any attention to it much.
Q How far did he live from you during the years '65 and '67?
A Wasn't but a short distance; as far as from here to that large building across there (indicating Indianola building).
Q Who did he work for at that time? A Stayed with a doctor.
Q What was the doctor's name? A Polston.
Q What did you do during these years? A I was a blacksmith.
Q Did he have occasion to visit your shop frequently?
A Yes, he was there several times.
Q Are you positive that he was there during the year 1866 and fore part of 1867? A. Yes I knew him, and I run my shop in 1867, and he was there up until 1867.
Q You don't remember how much longer he was there? A No sir, I do not.
Q Are you positive that this is one and the same person?
A Yes sir.
Q You knew him when he came to your home? A No sir, not the first time; the second time, I did.
Q How far do you live from him now? A Three miles from me.
Q Have you lived in that vicinity for the past fourteen years?
A No sir; fourteen years ago I lived there about eighteen months, and went from there into Missouri, and came back there two years ago.
Q You have known him all the time you have lived up there?
A. Yes sir.
Q There is no possibility of doubt about your knowing this man?
A. No sir.
Q And this was after the war closed, he was up there? A Yes.
Q You say you ran that shop during the year 1866 and part of 1867? A Yes sir.
Q During that time he was there working for this man? A Yes.
Q How far from where you lived? A About the distance from here to that tall brick building.
Q A block? A Block and a half.
Q During that time, you saw him frequently? A Yes sir.
Q He was there then continuously? A Yes, met him there on the street every now and then.
Q Did you miss him from there during these two years up until 1867 any length of time? A. No, I think not.

Q You have got no interest whatever in the result of this controversy? A No sir.
Q None in the world? A No sir.

BY MR. PATTON:

Q How old are you? A Sixty-three.
Q Were you in the army? A Yes sir.
Q And were discharged along in 1865? A Yes sir, in 1865.
Q You lived in what place in 1865, right after the close of the war? A Danville.
Q Danville, Illinois? A Yes sir.
Q Where did you know this fellow, in Danville, Illinois? A. Yes sir.
Q What time did you go to Danville after the close of the war?
A I landed in Danville in May 1865.
Q Then how long did you live there continuously from May 1865? A. That was my home until fourteen years ago.
Q Lived right in Danville all the time? A Yes sir. I guess I was out last few years to go to different places.
Q What occupation did you have right after the war when you first went to Danville? A Blacksmith.
Q Worked at that there during a number of years? A Yes sir.
Q You started a job blacksmith shop in 1865, some time? A. Yes sir.
Q And held that same position in 1866? A Held that position in '66 there and up until '67.
Q Positive of those dates? A Yes sir.
Q From the time this war closed, - ? A Yes sir.
Q From the close of the war in 1865, - say the rest of 1865, up to 1866 and part of 1867, during that interval of time, were you continuously engaged in Danville? A I wasn't there all the time.
Q Didn't move any place else? A No.
Q Worked at that trade? A Yes sir.
Q Most of the time? A Yes, I wasn't there all of the time.
Q Right at your blacksmith shop? A That was where I worked, yes, - might have been a day or two now and then I was out.
Q You was around town all the time? A Yes sir.
Q During that time you got acquainted with the applicant here?
A I knew him when I seen him.
Q Whom did he work for? A Physician.
Q Doctor? A Yes sir.
Q What did he do? A Attended to his horses and such stuff as that.
Q When did you first get acquainted with this fellow? A Sometime during the summer of 1865.
Q Now, how long did he stay there? A I can't tell you how long he stayed there, - I don't know just exactly when he left.
Q Do you know whether he was there in the winter of 1865? A. Yes, he was there in the winter of 1865.
Q Are you sure of that? A Yes sir.
Q In the spring of 1866? A Yes sir.
Q Through the winter of 1865 and spring of 1866? - was he there continuously? A He might have perhaps been away a week, I don't know that. I seen him often up until in 1867.

Q Do you know whether he was there continuously in the summer of 1866? A Seen him often there.
Q In the summer of 1866? A Yes sir.
Q Are you sure of that? A Yes sir.
Q Do you know he was there in the early part of 1866? A Yes.
Q He was there continuously from the time you first knew him until the fall of 1866? A Yes he was unless he would happen to go out a few days.
Q Was he gone as much as four months? A No sir.
Q Was he there in the winter of 1867? A Yes sir.
Q In the spring of 1867? A Yes sir.
Q We want the facts in this case: Are you positive enough to swear positively that this fellow here was in Danville, Illinois, continuously, approximately speaking I mean, from the time you first knew him in 1865 until March or April of 1867? A. Yes, he was there all that time; he might have been out a day or two but couldn't have been out longer.
Q Are you positive enough to swear positively whether or not he was out of this place as much as three or four months at one time from 1865 until 1867? A He might have been out at one time some where near that length of time, but was there most of the time I know.
Q That is what I am trying to get at now; is whether or not you are absolutely certain enough of the facts to swear positively that he wasn't away from there as much as three or four months in that interval of time? A Been a good long spell ago and I can't say positively, but I don't think he was out as much as three or four months at a time.
Q How old a man was he at that time? A Wasn't hardly a man.
Q Young fellow? A Yes, wasn't grown.
Q About when did he leave there? A I don't know for certain when he left there, I don't know when he left, I can't say that.
Q If you don't know just when he left, how can you say whether or not he was there in the spring of 1867? A I know he was there then but I don't know what time after that he left.
Q Was he there as late as 1868? A I don't know.
Q As late as April, 1867? A There all the summer of 1867; It has been so long ago I didn't keep a memorandum of it.
Q Do you know where he came from? A No sir.
Q Did you ever hear him say? A Never heard him say.
Q When was the first time you saw him in the Indian Territory?
A It was in 1892, I believe.
Q In 1892? A Yes sir.
Q Where was he living when you saw him? A Right where he lives now.
Q And you moved in that neighborhood? A Yes sir.
Q Where did you see him the first time? A I met him in the road; next time he come to my house and borrowed a wagon to haul some wheat.
Q When he came to borrow the wagon was when you recognized him? A Yes sir.
Q How long had he been living there? A Mighty short time.
Q When he came to borrow the wagon did he recognize you?
A He didn't from the start. He told me he had lived at Danville at one time. Of course, his face looked older to me, but I knew he was the same man.

Q There is no question in your mind about him being the same man? A No sir.
Q You are positive enough of that to swear to it? A Yes sir.
Q You say that in that interval of time you are not positive about whether he was out of there as much as three or four months at a time? A. I don't think he was out of there three months of time.
Q As to the continuity of him staying there, it is just an impression left on your mind? A No sir; when I seen him I know it.
Q That has been forty years ago, hasn't it? A Yes sir.
Q Isn't it pretty hard to remember whether a man lived continuously in a place forty years ago? A Well, I had things call my attention to it so I couldn't be fooled.
Q What are they, let's hear them? A. I remember it by him coming to the shop and passing the door different times during that time for the doctor.
Q- He was passing the shop every day or so? A Every few days.
Q You don't know just when he left there? A No sir; I don't know exactly what time he left there.
Q How do you know he was there in the fall of 1867? A I didn't say fall of 1867; I said summer of 1867.
Q How do you distinguish between when he was there in the summer of 1867 and in the interval he wasn't there in the fall of 1867? A. I don't recollect seeing him much in the fall of 1867; he was there in the summer season.
Q You don't remember of any specific time he finally left there? A No sir.
Q It has gradually dropped out of your memory? A I don't know just exactly when he left, only by hearsay.
Q As to the time he left, you know only about what time it was by just finally not seeing him any more? A. By just what time they said he was gone.
Q When did they state he was gone? A. Some said he left between 1868 and 1869.
Q You heard that? A Yes sir.
Q Who did you hear that from? A From a fellow living in Danville.
Q Since that time? A Short time after that. They asked just what had become of that colored boy, and it was remarked where he had gone.
Q Is there anything more you know about him being there, - hearsay or otherwise? A Hearsay don't amount to anything.
Q We want the entire true facts? A I have told you all I know about it.
Q I want to ask you this; if this fellow testified here that he was in a certain place in the Cherokee Nation from about say, in December 1866 until about the spring of 1867, an interval of three months, - this fellow testified he was in a certain place in the Cherokee Nation from December 1866 until February 1867, are you prepared to say on your oath that it is not true?

BY MR. HASTINGS: Objected to because that is not proper cross examination, and calls for a conclusion of the witness.

A I told him just exactly what I have seen and that is all I have to say.

BY MR. PATTON:

Q Now Mr. Carrico, I want to ask you this; if this applicant, Cornelius Ridge, testified on the stand here today that in an interval of about three months say from about December 1866 until about the spring of 1867, along about February along in there, - if he testified that in that interval of time he was in the Cherokee Nation at a certain place, are you certain enough about what you know about him to say that in that interval of time that he was not there, but that you know he was in Danville, Illinois? A. It has been a long time ago; I wouldn't want to say exactly for certain. I never did miss him during that long a time. He might have possibly been away for that length of time and it slipped my recollection some; but then the best of my knowledge, I never did miss him from there no ninety days at a time.

Q In your own mind, can you remember something that happened about Christmas of 1866, - can you remember of something that occurred about Christmas of 1866? A Might remember several.

Q One will be enough? A Something that occurred about 1866?

Q Something else besides this? A I know of several things that happened.

Q Just name one occurrence along about Christmas 1866?
A. Been one occurred about Christmas; a fellow killed there.

Q Christmas, 1866? A Yes sir.

Q You remember when that fellow got killed there? A Yes sir.

Q When that fellow got killed there do you remember where this fellow was? A No, I can't say where he was.

Q Within a radius of a month from the time that fellow got killed there, do you distinctly remember of seeing him?

A I don't say I had inside of a month; I seen him at different times often in the spring of 1866 and 1867 I seen him there.

Q Would you be willing to swear that you had seen him within six weeks or two months of the time this party was killed?

A I wouldn't say for certain in six weeks, but am satisfied I seen him inless than three months I know.

C Do you know whether or not he was there in Danville, Illinois about the time the farmers commenced to plow in the spring of 1867? A I don't know for certain he was there just at the time they commenced to plow; there a short time after that.

Q Plow time is about, - commence plowing about what time?

A Owing to the season. Some years they began along early about the last of March, and some years May.

Q From about the last of March on through April and sometimes May? A Sometimes they don't plow any much until May.

BY MR. HASTINGS:

Q You never did miss him there then during this time you state?
A. No sir.

Q If he was gone from there, you didn't know it? A No sir.

ON BEHALF OF THE COMMISSIONER:

Q About what was the population of Danville when you moved there in 1865? A I don't know exactly, pretty fair sized little town; I have frequently heard it, but never paid any attention.

Q Could you estimate about what you think it was at that time?
A No, I don't know; couldn't say, I didn't pay any attention to it.
Q Were there many colored people living there at that time?
A. No sir; they were scarce there.
Q Did you say this darkey here was working for a doctor living about a block and a half from where your shop was situated?
A. Yes sir.
Q You also specifically stated you saw him frequently?
A. Yes sir.
Q What was he doing at this time? A. Attending to horses and doing chores around the place where he stayed, and coming to the shop.
Q Did he work for this doctor all the time you knew him?
A Yes sir; made that his home there.
Q Did you know any other colored man in Danville at that time?
A Knowed a few yes; but very few.
Q When you met the applicant in the Indian Territory about fourteen years ago you had a conversation about your old acquaintance there in Danville? A. Yes, we had a talk about our acquaintance.back there.
Q There is no doubt in your mind about your knowing each other at the close of the rebellion? A Yes, he is the same one.
Q Did he tell you how long he had been living in the Indian Territory? A No sir, he did not.
Q Nothing said about that? A No sir.

BY MR. PATTON:

Q Do you know whether or not when this Cornelius Ridge was in Danville, Illinois, if any folks was with him? A. If he had I never knew them.
Q Never knew him having any any where else, did you? A No.
Q Your impression is he was up there by himself? A Yes sir.

BY MR. HASTINGS:

Q Do you know where he came from? A No sir.
Q Do you know where he went? A. Heard he went to Joplin, Missouri.

(Witness dismissed).

THOMAS J. McGEE, being first duly sworn by B. P. Rasmus, Notary Public, testified as follows:

EXAMINATION

BY MR. HASTINGS:

Q What is your name? A Thomas J. McGee.
Q Your postoffice address? A Dawes, Indian Territory.
Q Your age? A Sixty-two years old.
Q Are you a Cherokee by blood? A Yes sir.
Q Did you ever live on Honey Creek in the Cherokee Nation after the war? A Yes sir.
Q When did you go back there after the war? A Fall of 1865.
Q Lived there during the winter of 1865? A Yes sir.

Q Where did you live during the fall and winter of 1866?
A On that place right there.
Q Up to the spring of 1867? A Yes, and then I moved won the creek.
Q During the fall of 1866 and spring of 1867, how far did you live from what was known as the Polston place, near Polston's place? A About a mile north.
Q Lived there all winter? A Yes sir.
Q When did you move to that place, in 1865? A Yes sir.
Q Lived there during the fall and winter succeeding, 1866? A. Yes sir.
Q Well acquainted in that neighborhood? A Yes, well acquainted with the people living around there.
Q Were there any negroes living upon or around Polston's place during the fall and winter of 1866? A I didn't see any.
Q Did you hear of any? A No sir.
Q Did you hear of Qualatah getting drunk and running any negroes out of there in the fall of 1866? A I have heard of such talk.
Q Since then? A Yes sir.
Q Since this trial? A Yes sir.
Q Never heard of it at that time? A No sir.
Q You were living there at that time? A. Old home place just a mile north of the Doctor Polston place, - used to be called the Ridge place.
Q Did you know of any negroes ever living about a mile north of the Doctor Polston place, - and could they have lived there four months without your knowing it? A. I don't see how they could in 1865 and 1866; in 1867, I was down below.
Q What time in 1867 did you move below? A Spring.
Q What time? A I think the month of March.
Q Up to March of 1867, could there any negroes have lived within a mile of you, - up to March 1867, - without your knowing them? A. Looks like I could have seen them.
Q You never heard of them? A No sir.
Q Who lived during that winter on the Polston place?
A Jesse Woods.
Q Had a son by the name of W. F. Wood? A Yes, boy then.
Q He lived there? A Yes sir.
Q Where did Joe Fox live? A. Little too hard for me; I don't know where he lived.
Q Do you know when he afterwards moved up there? A. I can't state where Joe lived.
Q Did they have any old place close there? A Well Joe was quite young.
Q Was his mother living there? A. He had a mother.
Q Where was she living? A Down the creek.
Q About how far? A In the Snail neighborhood.
Q How far below the Polston place? A About three or four miles.
Q Do you know when they moved up there? A No sir, I do not.
Q Did he move up there after you moved down there in March, 1867? A. I went from there down to what is called my mother's place on the edge of Cowskin Prairie. These people were back in the woods from there; I have seen Fox occasionally.
Q Where was Qualatah living then? A In 1867?
Q Along before 1867, - winter before 1867 up to March 1867?
A. No sir, I don't know where he lived.

Q Now, up to that time you saw no negroes nor heard of none up to March 1867? A No sir.
Q How did you folks get meat to eat around there, Mr. McGee?
A I can't make that statement for others; I can answer how we got our meat. I went up to our place and killed our own hogs.
Q I didn't know but what you hunted? A No, I am not no hunter.

BY MR. PATTON:

Q What did you say your name was? A Thomas J. McGee.
Q Brother to Dave McGee? A Yes sir.
Q How old did you say you were? A Sixty-two.
Q Where were you living in 1865, on Honey Creek?
A. Yes, fall of 1865.
Q Where before the fall of 1865? A During the war I was down south.
Q Came up there on Honey Creek in the fall of 1865? A Yes.
Q Whose place? A My father's old place.
Q How far from the Polston old place? A. About a mile.
Q How long did you live there? A Fall of 1865 and 1866, and spring of 1867 I rented my place and moved away from there.
Q You lived within a mile of the Polston place in 1866?
A. Yes sir.
Q Are you certain that you lived right there in that neighborhood in the fall of 1866? A Yes sir.
Q Going to stick to it, are you? A Yes sir.
Q Don't you know you didn't come into that neighborhood until the fall of 1867? A. Come there in 1865; I can prove it.
Q Who lived around in that neighborhood at that time?
A John Shields lived right on the line just a mile east of me, and his brother George Shields lived about a quarter of a mile east of me, and then Cassi Shields lived there. And then there was a man by the name of Langston lived there right where place called South West City is now. He bought that land from my aunt.
Q You came there in the fall of 1865? A Yes sir.
Q Stayed there continuously from the fall of 1865 to the fall of 1866? A. Yes sir, I was back at the old place a few times.
Q What were you doing up there? A I was hunting for something to eat.
Q Any other business? A. I went up there the early part of July.
Q The only reason you were out of there from the fall of 1865 to 1866 was that you went up there to kill hogs?
A I was away from there in the states.
Q Then you were not in that neighborhood continuously?
A. Not all the time.
Q You were out of there a considerable part of the fall of 1865 and 1866? A Not away out of there much.
Q How long a time at one time would you say you were out?
A I never made no record of that that far back. I remember well about going there, because I found my sisters on the land there. Our place had been confiscated. I bought it and paid one hundred dollars, me and my sisters and Dave, my brother. And then we made a shanghi house in the spring of 1866, and Dave done our plowing, while I was hunting something to eat. I went clear out to Burt Ridges and paid him two dollars a bushel for corn.

Q Did you get into any trouble about 1865 or 1866?
A. What kind of trouble?
Q Robbing any body? A. Never robbed any body in my life.
Q No old Indian woman? A No sir, never did sir.
Q Did you at any time previous? A No sir.
Q Did you at any time during the war? A No sir.
Q You are certain of that? A Yes sir.
Q Where did you live in the winter of 1866?
A. There on that place.
Q How far was that from the Polston place?
A. About a mile.
Q Do you know of any other little log cabin in a quarter or half mile of that place? A There used to be some old houses that stood about a quarter of a mile.
Q Who lived in these during the winter of 1866? A. I think they was blank, as well as I remember. There was a log cabin close to my brother.
Q A great many log cabins around there? A No sir; I think they were all burned up.
Q When? A During the war some time.
Q Certain that wasn't in 1866? A. I don't think it was.
Q You won't swear to that? A No; they were there when the war commenced.
Q Were they there when the war closed? A I am not positive about this old log cabin that belonged to John Ridge; it occurs to me like that got burned up during the war.
Q Where did you live in the winter of 1866?
A. My old place.
Q Did you have any meat to eat in the winter of 1866?
A. Yes, we had sorter picked up so we could stay at home then.
Q In 1866 you were at home more than in 1865? A Yes sir.
Q You were at home until the spring of 1867? A Not there?
Q Where? A Down on Honey Creek.
Q How far from there? A Five miles.
Q Five miles from there? A Yes sir.
Q Did you know of any negroes coming in that community about that time, within a year or two? A Well I heard of some over on the state side.
Q Who were they, do you know? A No sir, I don't know.
Q How many people were living around in that community?
A. I can-- count them over to you.
Q Was there a dozen or half dozen? A There was Jackson England, lives about a mile or mile and a half below me; and Mrs. Snail lives some lower down; Henry White lives down on the Creek, and the full-bloods, that is all I remember.
Q Mrs. Snail is here as a witness? A Yes sir.
Q Any of the Englands family here? A Yes sir.
Q Mr. White here? A Yes sir.
Q Did you ever know any of these darkeys of Ridges before the war? A Yes, I knew old Peter.
Q Any besides Peter? A Dealie, his wife, and then there was a lame woman.
Q Half breeds live in that community as well as full-bloods?
A. Before the war?
Q After the war? A Yes sir.
Q Who were the worst, half breeds or full bloods?
A. I don't know; I can't say.

Q One about as bad as the other? A Jesse Woods lived there and had a Cherokee family.

Q If these half-breeds and full-bloods,,- if three or four darkeys had come in there about 1866, what would they have done with them? A I don't know about that part of it.

Q How were they disposed towards the negro family, do you suppose? A. Wasn't much said about the negro, because there wasn't none up there amongst them.

Q Have very many negroes ever lived in that neighborhood since then? A No sir.

Q None living there today in that little section of country, is there? A. No, I don't know of any today.

Q Do you know of any ever living there? A Yes sir.

Q Who? A I named them awhile ago.

Q That was before the war? A Yes sir.

Q After Mr. Negro was turned loose on his own responsibility when he didn't have a slave master to defend him, has he been in there since? A Three lived with me.

Q They lived with you? A Yes sir; they was from Texas and they said that Kuklux had run them out.

Q When you turned them loose what became of these men? A. They got acquainted with these people down at Bowling's Ferry, over on Grand river.

Q When you turned them loose they didn't stay in that community? A No sir.

Q They got out of there? A Yes sir, they got acquainted with these other darkeys; I think one of them was a single fellow called him George Nelson. The old man came back to see me sometimes.

Q Were you there in October 1866, until along in April or May of 1867, along five or six months, say along about October 1866 until May 1867, were you ever out of that community? A. How is that?

Q From October 1866 until May 1867, were you ever out of that community? A Yes, I was over there on Spavinaw on a visit. I was a young man then and would go around and have some Christmas.

Q And visit when you got ready? A Yes sir.

Q Any place besides Spavinaw? A Yes, Cowskin river.

Q What were you doing over there? A Seeing the girl that finally become my wife.

Q Any other place? A Yes, I had some business at Tahlequah.

Q Down there awhile? A Yes sir.

Q Any place else? A Well, up at our home place, my father's stock ranch.

Q Where was that? A Close to Chetoka.

Q About where Chetoka is now? A Yes sir.

Q Any place else? A No, I don't remember.

Q After being at these various places, you are willing to swear that there wasn't a colored family come in there and stayed a few months? A. I didn't see any; and I didn't never hear of any body else saying anything about them.

BY MR. HASTINGS:

Q On these occasions you just went there and back? A Yes.

HENRY WHITE, being first duly sworn by R. P. Rasmus, Notary Public, testified as follows through W. P. Drew, official Cherokee Interpreter:

EXAMINATION

BY MR. HASTINGS:

Q What is your name? A Henry White.
Q Postoffice address? A Dodge, Indian Territory.
Q Your age? A Sixty-six.
Q Did you at one time live on Honey Creek? A I did.
Q Were you in the army? A Yes sir on the Northern side.
Q When did you come back from the war? A When we were discharged in the spring, we made a crop there first year.
Q First year the war closed; what year was that?
A. I don't remember the dates.
Q Same year the war closed? A Yes , I started from Fort Gibson and went to there.
Q After you were mustered out at Fort Gibson? A Yes sir.
Q And you made one crop on Spring Creek? A Made a crop that coming summer and then after the crop was laid by I went to Honey Creek.
Q Was Spring Creek in the Cherokee Nation? A Yes sir, Delaware District.
Q Was that the same year the war closed you made a crop on Spring Creek? A Yes sir.
Q Did you go that fall up above? A Yes sir.
Q Honey Creek, is that it? A Yes sir.
Q Have you lived there ever since? A Yes sir.
Q How far do you live from the Polston place? A About two and a half miles or three west.
Q Have you lived right around in that neighborhood ever since?
A. Yes sir.
Q How far do you live from where Joe Fox' mother lived?
A. About two miles.
Q What direction? A Joe Fox' mother lives south about two miles, and then I lived north.
Q On what side of Honey Creek did you live? A On this side.
Q North or south side? A South side of the Creek.
(Creek runs this way, incidates north and south).
Q Do you live on the same side of the Creek Polston's place is on? A Yes sir.
Q About two and a half miles from the Polston place? A Yes.
Q You moved up there the fall after the war closed? A Yes.
Q Have you lived there since? A I lived up there on Spring Creek the first year.
Q How long did you stay at Spring Creek? A I stayed one year; made a crop.
Q Stayed there during the winter of 1865, did you, - stayed through the winter? A Yes sir.
Q Did you make a crop there the next year? A No sir.
Q Now you say you was on Honey Creek the fall of 1866?
A. Yes sir.
Q Did you ever know of any negroes to move there within a mile or two of that Polston place after the war? A No sir.
Q Did you ever hear of any? A No sir.
Q Did you ever hear of any being run out of there by Indians?
A. No sir.

Q Did you ever hear f Qualatah running any out of there?
A. No sir.
Q You lived within two and a half miles of this Polston place?
A. Yes sir.
Q You lived there ever since? A Live there now.
Q You remember when you moved there in the fall of 1865, or was it the next fall, 1866? A Next fall I guess, 1866.
Q Did you know Jesse Woods? A Yes sir.
Q Know his son Bill Woods? A Yes sir.
Q Where did they live there? A Polston place.
Q Did you know Jeff McGee? A Yes sir.
Q Where did he live? A Old place.
Q Know Sallie England? A Yes sir.
Q Where did she live? A At the old place.
Q Never knew of any negroes coming in there at all? A No.
Q None moved in there since? A No sir, aint yet.
Q Never heard of any being run out of there? A No sir.
Q Have you lived right in there? A Just come from there.
Q Could any negroes have lived in there within a mile of you without your knowing it? A No sir.
Q How did you get meat to eat, kill game? A Yes sir.
Q Hunted around in there? A Yes sir.
Q All over these woods? A Yes sir.

BY MR. PATTON:

Q When was it you moved upon Honey Creek? A First year I moved on Spring Creek, and then in the fall I went upon Honey Creek.
Q You went on Honey Creek you think in the fall of 1866? I went to Spring Creek first and then next fall went to Honey Creek.
Q Don't remember it by the years? A No sir.
Q You can't read or write? A No sir.
Q Just have to go by the length of time? A Yes sir.
Q Was you in the army? A Yes sir.
Q How old are you? A Sixty-six.
Q You stayed in the army until the close of the war? A Yes. I stayed right there at Fort Gibson.
Q The war closed in the early part of 1865? A I don't remember the dates; but I always remember when we mustered out in the army.
Q Mustered out in 1865 at the close of the war?
A. I guess that's it.
Q Then you went upon Spring Creek? A Yes sir.
Q Make a crop on Spring Creek? A Yes sir.
Q Did you stay there that winter? A. I moved away from Spring Creek after the crops were laid by that winter.
Q You say you moved away from Spring Creek after the crops were laid by the next year? A When we gathered corn.
Q Did you make two crops on Spring Creek? A Just one.
Q Did you make a crop on Spring Creek the year the war closed?
A. We were mustered out and I made a crop.
Q Where did you make a crop the next year? A On Honey Creek.
Q You made a crop on Honey Creek the year after the war closed?
A. Yes, made a crop ever since.
Q How far did you live from this old Polston place?

A Two and a half miles.
Q Were there any little houses around that Polston place?
A. No sir, only had the old house when Wood lived there.
Q Wasn't any little log cabins? A I didn't notice them.
Q Little log cabins where slaves could live in? A No sir.
Q You didn't see any? A No sir.
Q Did you know any of Ridge's slaves before the war?
A No sir; time the war broke out I was living near Gainesboro.
Q Did you ever see or know of any colored people living on Honey Creek? A No sir.
Q What kind of a country is that around there, rugged and rough? A Yes, in some places rocky and rough places.
Q Did you ever know from that time until this time, did you ever know of any colored people living in that community?
A. No sir; I can't contradict my statement I stated in the first place.
Q None did live there? A None at all.
Q You didn't see any in there in the winter of 1866, then?
A. No sir.
Q Don't know whether there was any in there or not? A No. Never did see any.
Q What kind of people lived in there at that time, mostly Indians and half-breeds? A Both Indians and half-breeds.
Q How were they disposed towards the colored people, very friendly, or didn't they like them? A Don't know; there was no negro there.
Q Never mixed with them? A No sir. Wherever there is a negro and a white man they always mix together.
Q How about the negro and the Indian? A Yes, if they live near each other they do.
Q You have lived right around in that community ever since that? A Yes, what I said I can't state no other way.
Q Are you a full blood? A Yes sir.

(Witness dismissed).

KATIE SNAIL, being first duly sworn by B. P. Rasmus, Notary Public, testified as follows through W. P. Drew, Official Cherokee Interpreter:

EXAMINATION

BY MR. HASTINGS:

Q What is your name? A Katie Snail.
Q Your age? A Sixty-five.
Q Where do you live? A South West City: Missouri.
Q How far from there do you live, - do you live on the Cherokee Nation side? A About four and a quarter miles on the Cherokee side, west.
Q How long have you lived up there? A About forty-five years.
Q Were you living there when the war closed?
A I went there after the war closed.
Q How long after the war closed? A Next year after the war closed.
Q What time of the year did you go there? A Sixty-six.
Q What time of the year 1866, spring, summer or what?
A. In the fall.

Q What was your husband's name? A Johnica Snail.
Q Is he living? A No sir.
Q How far have you lived from the Polston place?
A. Almost three miles.
Q Have you lived right there all the time from the fall of 1866 up to the present time? A Yes sir, been living there all the time.
Q Do you live down the creek from the Polston place?
A. Yes, I live down the creek.
Q How far do you live from where Joe Fox' mother lived after the war? A. Over two miles, a little south west from him.
Q Did you ever know of any negro family living in that neighborhood, including the Polston place or a mile of it, or around the Fox place or around your place or in that community before or after the war? A. No sir, I don't remember of a single family of negroes ever living there.
Q Were you acquainted with Fox when they moved there?
A. Yes sir.
Q Were there any negroes living around there after you came there? A No sir.
Q Never heard of any at all? A No sir.
Q Never heard of any of them being run out of there by the Indians being drunk? A Not at all.
Q Did you ever hear of any of them being run off of the Fox place? A No sir, I don't remember of a negro family ever living in that community.
Q Never heard of Qualatah ever running them off from there?
A. No sir; my husband and Qualatah was brothers.
Q Where was Qualatah living when he came back? A We lived right near each other.
Q How far was the house that he moved into from where they lived? A About three-quarters of a mile, may be not so far.
Q Any negroes ever lived in that house? A No sir.

BY MR. PATTON:

Q Are you a full-blood? A No sir; my father was a white man.
Q You say your husband was a brother to Qualatah?
A. Yes, they were brothers.
Q Was Qualatah a full-blood? A Yes sir, he was a fullblood.
Q How far did you live from this Polston place, did you say?
A. Over two miles, as I stated awhile ago.
Q Did you run around over the country a good deal at that time?
A. Yes, a good deal
Q What doing? A. Working around from place to place.
Q Working, - what kind of work did you do? A. Washed for other people and scrubbed floors for other people.
Q Were most of the people living in that community full-bloods or half-breeds? A They was pretty well mixed; full-bloods and half-breeds.
Q Are you sure that you never saw any colored people around in there along about that time? A No sir, never saw any.
Q Don't remember of seeing any? A No sir; since the war closed, from that time down don't remember seeing a single darkey in that community.
Q Have you lived there since the war closed? A Yes sir.
Q Could they have lived in there and you not have seen them for a month or so? A Not very well; I run around over the country too much.

Q It would have been impossible for a colored person to have moved in there and lived a month or two and you not saw him? A Yes, I would have seen them.
Q Could a colored person have lived in there a week and you not have seen them? A No, I don't suppose they could have lived there without my seeing them at all.
Q Could they have lived there a day without your seeing them? A. I can't say that now; I might have heard it if I didn't see them, myself.
Q You think if they had lived there a day, you would have found it out if you hadn't seen them? A Yes, I know I would have heard of it. I was living in a neighborhood where it was pretty well settled.
Q Isn't it a fact that since the war ended, - since along in 1867 until this day, there have been colored families living in that community? A No sir, never no colored family been in that community.
Q You say you never heard of Qualatah or any of these Indians making any negroes move out of there? A No sir; I only heard it just awhile ago, that he did such a thing; never heard of it before.
Q Don't you know that your husband Johnice Snail helped drive these negroes out of there with Qualatah? A No sir.

(Witness dismissed).

SALLIE ENGLAND, being first duly sworn by B. P. Rasmus, testified as follows: Through W.P.Drew, Interpreter:

EXAMINATION

BY MR. HASTINGS:

Q What is your name? A Sallie England.
Q How old are you? A Over seventy years old.
Q Where do you live ? A On Honey Creek, near South West City.
Q How far from South West City? A We claim three miles!
Q How far do you live from Katie Snail? A I would state a little over two miles.
Q Do you know where the Polston place is, near Peters Prairie? A Yes, been living there several years
Q About how far from there do you live? A About two and a half miles.
Q About how far do you live from where Joe Fox lived just after the war? A I would say about three miles, where he used to live, but he has moved down the creek further.
Q Do you know where the old lady Washburn place there is? A. Yes, I know where it is.
Q Were you living there during the war? A Yes sir.
Q And did you continue to live there on after the war? A. Yes sir.
Q And have you lived there since the war? A Yes sir.
Q Living in the same place now? A Yes, I been raised right down there.
Q About three miles from where South West City now is, west? A. Yes, that is what I claim three miles.

Q Did you ever know of any negro family coming there and settling in that community in 1866, or any time within two or three years after the war? A No sir.
Q You never heard of any settling there? A No sir.
Q Did you ever hear or know anything of any of them running any negroes out of there directly after the war? A. No sir.
Q Did you ever hear of Qualatah or Johnica Snail running them out of there? A No sir.
Q Were there any ever settled in there? A No sir, not in that neighborhood.
Q About how far were you from the Polston place? A About two and a half miles, right close to it.
Q Was it on the same side of the creek? A On the same side of the creek.

BY MR. PATTON:

Q How far did you say you lived from the Polston place? A. I have forgotten.
Q How far did you live from the Polston place? A. As I said awhile ago, two and a half miles.
Q At that time you were a grown woman, raising a family, were you not? A Yes, I went there before the war and been living there since.
Q At the time the war closed in 1866, you were a grown woman and married at that time, were you not? A Yes, I had two babies.
Q You kept house didn't you, and stayed at home? A Yes.
Q Didn't run around very much, or did you stay at home and attend to your children? A Stayed at home mostly.
Q Couldn't run around much then? A No sir.
Q At this time when your children were small, you stayed at home pretty close, didn't you? A Yes sir.
Q While you were staying around close to home, you didn't know of any colored people moving in there within two or three miles of you? A No, I got where there was no colored people ever come there to live
Q You mean you never saw any? A- No, I never saw any.
Q They were mostly full-bloods and half-breeds living in that community at that time? A Mostly full-bloods; wasn't very many mixed bloods.
Q Have they ever allowed any colored people to live in that community since the war? A I don't know about the allowing part, but I know a negro never come there.
Q Was there been any ever lived there? A No sir.
Q Where did Dave McGee live along about 1866? A. About a mile up the creek frame.
Q Was that in the neighborhood of the Polston place where Dave lived? A Yes sir.

(Witness dismissed).

EZEKIEL FIELDS, being first duly sworn by R. P. Rasmus, Notary Public, testified as follows:

EXAMINATION

BY MR. HASTINGS:

Q What is your name? A Ezekiel Fields.
Q Your postoffice address? A Big Cabin.
Q How old are you? A I am fifty-seven years old.
Q Where did you live just after the war? A. On the edge of Cowskin Prairie, right close to Honey Creek.
Q When did you move there just after the war? A. It was in the fall of 1866, I think.
Q How long did you live there after that? A Oh, I lived there right on the place; I lived there ten or fifteen years I expect.
Q How far was that from the Polston place? A I suppose about five miles.
Q Who was living on the Polston place then? A Jesse Wood.
Q Bill Wood's father? A Yes sir.
Q Was he living with his father? A Yes sir.
Q Why do you think it was in the fall of 1866, you lived there? A. It was about a year or a year and a half after the surrender.
Q In the fall of the year you moved there? A Yes sir.
Q About a year and a half after the surrender? A Yes sir, something near it. I don't remember just exactly.
Q Was it as much as two and a half years? A No sir.
Q When you moved there you say Jesse Woods lived on the Polston place? A Yes sir.
Q Did you have occasion to pass backwards and forwards through that country? A Yes, I went up there to get my blacksmithing.
Q Did you ever know of any negroes living there on Honey Creek? A No sir, I don't remember of there being any there.
Q Did you hear of Qualatah or Johnica Snail, or any others in there running any out of there? A No sir.
Q Never heard anything of it? A No sir.
Q Did you ever know of a negro family settling around in that vicinity, - of this Polston place? A No sir.
Q Then or subsequent to then? A No sir.

BY MR. PATTON:

Q If you didn't know anything of their being there, you couldn't know anything of their being run out of there? A. No.
Q Was that just before you lived on Cowskin Prairie? A. Grandby-Missouri.
Q When did you live- there? A I think it was in the fall of 1866; I am satisfied it was.
Q How do you fix it was 1866 when you lived at Grandby? A. I stayed up there a year and a half and I moved. After the surrender, I went up there and went to working in the mines.
Q Are you certain it was not in 1867? A. I am satisfied it was the fall of 1866.

Q You remember that forty years back? A Yes sir, I can remember somethings that far back.
Q You remember that do you? A Yes sir.
Q You say it was about five or six miles over to the Polston place? A Yes sir.
Q Who was the blacksmith? A Jessee Woods.
Q How often did you go over there? A Pretty nearly ever Sunday, and then sometimes through the week.
Q Didn't you have any neighbors over where you lived? A. Didn't have any blacksmiths.
Q Why did you go over on Sunday? A. Just to visit.
Q Didn't you know any body on Cowskin prairie? A Yes sir.
Q You never saw any colored people there? A No sir; they was mighty scarce in that country.
Q Fact is, there wasn't a colored family living in that country? A. Mighty scarce.
Q Any living in that immediate District around Honey Creek A. No; they aint none until yet.
Q Never have lived in there? A No that I remember .
Q That is largely populated by full-bloods and half-breeds? A. Yes sir.
Q Was Qualatah a full-blood? A Yes sir.
Q What was Johnice Snail? A Full-blood.
Q You didn't see any colored people there at the close of the , in the winter of 1866? A No sir.
Q Where did you live before the war? A I was in the war.
Q Before the war? A On the edge of Cowskin Prairie
Q Were you acquainted in the neighborhood of the Polston place before the war? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

Q What is your citizenship? A I am Cherokee.

BY MR. PATTON:

Q Can you read or write? A I can read a little and write a little.
Q Have you been married? A Yes sir.
Q What year was you married in? A I don't remember; been married twice.
Q When were you married the first time? A I can't tell you the date exactly.
Q When were you married the second time? A About seven years ago.
Q Have you any children? A Yes sir.
Q Have any children the first time you were married? A Yes, 6.
Q When was the oldest one born? A I can't tell you.
Q Do you know when any of your children were born? A. One of my sons is about seventeen; I can't tell you the year.
Q What year were you born in? A November, 1849.
Q Did your first wife die? A No, living.
Q Living now? A Yes sir.
Q Your second wife living? A Yes sir.

PERCY W. WASHBURN, being first duly sworn by F. P. Rasmus, Notary Public, testified as follows:

EXAMINATION

BY MR. HASTINGS:

Q What is your name? A Percy W. Washburn.
Q Your age? A Fifty-eight.
Q Your postoffice address? A Euchs.
Q Are you related to the Ridges? A Yes sir.
Q Did you know before the war a negro family, the husband of which was named Henry and the wife Nellie Ridge? A Yes.
Q Did they have some children? A Yes sir.
Q Do you know Cornelius Ridge? A Yes sir.
Q Where did they live before the war, in Fayetteville? A. Yes sir .
Q Arkansas? A Yes sir.
Q Where did you live after the war? A Me?
Q Yes? A I lived in 1868 in Polk County, Arkansas.
Q What time did you return to the Cherokee Nation? A. April, 1868.
Q Were you related to William Ridge? A Yes sir, he is my uncle.
Q Were you related to Polston's wife? A She is my aunt.
Q Did you have occasion to visit the Polston place any time during the year 1868? A 1868?
Q The Polston place on Honey Creek? A Yes sir.
Q Who was living upon that place at that time? A In 1868?
Q Yes? A Well, I don't know, but my father bought the place from Qualatah and moved there some time in 1868 or 1869, I don't know which.
Q Were you ever at the Polston place after the war when Jesse Wood was living upon it, the Polston place? A Yes sir.
Q When did Jesse Woods leave there? A Old Uncle Jesse Woods?
Q Yes? A. Well to tell you the truth, I don't know I ever saw old Jesse Woods on that place, - I saw Bill Woods.
Q W. H. Woods is Jesse Wood's son? A Yes sir.
Q Were you there in April, 1867? A No sir.
Q You never was there then until 1868? A 1868.
Q What time in 1868? A I can't tell just what time; been there off and on clear on up from 1868 on to the present time.
Q The first time was in 1868? A I can't tell when.
Q You remember that Bill Woods was up there at that time? A. Yes sir.
Q When did you first see Henry Ridge and his wife Katie Ridge and their family after the close of the war, after the surrender? A I never saw old Uncle Henry after the war.
Q Did you see his wife? A. Yes; he was dead; I couldn't see him.
Q Did you see his wife Katie? A Yes, I saw old Aunt Katie.
Q Where did you see her? A Saw her on the old Washburn place.
Q How far from the Polston place? A About a mile and a half.
Q What direction? A North west.
Q When did you see them there? A 1873.
Q When were you married? A 1872.
Q Do you know it was in 1873 you saw them there? A I think it was.

Q It was after you married? A Yes sir.
Q Positive as to that? A Positive as to that.
Q How came you to see them there? A. I went up to see them, and they told me they were there, and I went to see them.
Q Where were their things at that time? A Some of them were in the wagon and some of them in the house.
Q Where were their horses? A Tied around the house and to the back end of the wagon.
Q Is that the only time you ever saw them there? A Yes sir.
Q How long did you stay there? A Only long enough to eat dinner and talk awhile.
Q Where did they say they were from? A I don't recollect.
Q From your conversation, what was your impression?
A My impression was that they had just come from Missouri, or Springfield, or some where up in that country.
Q Some of their things were in the wagon yet? A Best of my recollection.
Q And the horses tied around? A Yes sir.
Q Did you see the applicant here, Cornelius Ridge?
A. Yes, I think I did.
Q How long before that had you been upon this Washburn place, when you saw them in the early part of 1873? A. Well, I don't know.
Q Hadn't you been there after you married before that?
A. Oh yes, I lived there after I was married.
Q Up before you saw them in the early part of 1873, last of the year 1872, where did you live? A Right where I live now.
Q Were you up at this old Polston place where you saw these darkeys in 1872, and you never before saw them there until this time? A. In 1872 I moved from where I lived, and we went over there right away the 17th of January, when we was married.
Q Up to this old Washburn place on Honey Creek? A Yes sir.
Q How long did you live there? A Until that drouth in 1874.
Q Were you living there when these people came there in 1873?
A. No sir.
Q You wasn't living up there then? A No sir.
Q Was the house vacant? A When we left it of course it was.
Q When you went to see these negroes was it vacant, in the early part of 1873? A Then it was.
Q You never saw them after that? A No sir.
Q You stayed there an hour or two? A Yes sir.
Q They went on off from there? A They went off from there.
Q How long after that before you was back up there?
A. Off and on.
Q How long after this time when you saw these darkeys?
A I don't know about how long.
Q They were not there the next time you went up? A No sir.
Q You don't know how long they remained there after that?
A. No sir.
Q Your understanding was that they were just in there from Missouri? A Yes sir.
Q That is what you got from your conversation? A Yes, that is the idea I drew up.
Q The horses were tied around the wagon eating out of it?
A. That is the best of my recollection.

BY MR. PATTON:

Q Were they moving when you saw them? A. In the house.
Q Seemed to be staying there? A. Seemed like to me they just simply stopped there for a few days.

Q A few days, a week, or something like that? A Yes sir.
Q What place is that? A Washburn place.
Q Close to the Polston place? A Yes, in the same neighborhood.
Q You don't know how long they stayed there? A No sir.
Q Don't know whether they stopped a week or two or not? A. No sir.
Q They were there? A Yes sir.

BY MR. HASTINGS:

Q What kind of weather was it? A. Tolerably bad day; we had had some bad cold weather before that.

MR. HASTINGS: We rest.

MR. PATTON: That closes our case.

CORNELIUS RIDGE, recalled by and examined

ON BEHALF OF THE COMMISSIONER:

Q Just name the families that were with you when you returned in 1886, beginning with your father? A. Henry Ridge, that was my father, and Katie Ridge, my mother.
Q Begin with the oldest child? A. Fabie Ridge, Mary Ridge, and Jesse Ridge.
Q What is your oldest child's present name? A Ida Jones.
Q She at one time was the wife of Thomas Martin, wasn't she? A. Yes sir.
Q Do you know Thomas Martin? A Yes sir.
Q What was his citizenship? A Claimant.
Q Claimed to be what? A Cherokee freedman.
Q What was his father's name? A Father named Nelson. His mother's name was Henrietta; she always went by the name of Heney.
Q Are they living? A No sir.
Q Thomas Martin have any brothers or sisters now living? A. Yes sir.
Q What are their names? A Hart, Horne, Martin, and Isabel Brown, she is named now.
Q That is a sister? A Yes sir. Jennie Martin.
Q Is her name Martin now? A Yes sir; she married a Martin.
Q Who did she marry? A Fred Martin (Freedman Doubtful No. 197).
Q Was that all? A Rachel Todd.
Q What was her husband's name? A. William Todd (Freedman Doubtful No. 293).
Q Are these brothers and sisters of Thomas Martin all applicants for citizenship in the Cherokee Nation? A Yes sir.
Q All made application? A Yes sir.
Q What is the name of the present husband of your daughter Ida? A Jones.
Q His full name? A Tom Jones.
Q Does he claim to be a citizen? A No sir.
Q A States man? A Yes sir.
Q You have a niece named Eliza Hawkins? A Yes sir.
Q And she has a child named Tyndle E. Hawkins? A Yes sir.
Q What is her husband's name? A Arthur.

Q What is his citizenship? A I don't think he claims to be a Cherokee freedman at all.
Q You have a nephew named Joseph Hicks, haven't you? A Yes.
Q What is his wife's name? A Susie.
Q What is her citizenship? A I don't know whether she claims or not.
Q How many times has your sister Fabie been married? A. Been married twice.
Q What is the name of her first husband? A Her first husband is Melton.
Q Did she have any children by him? A Yes sir; no, I think I am mistaken; her first husband is named Townsend, William Townsend.
Q His citizenship? A Don't claim any.
Q Her second husband? A Melton.
Q His given name? A Richard.
Q His citizenship? A Don't claim any.
Q She married again, didn't she, after that? A Yes sir.
Q What was her third husband's name? A. Johnson; he signs his name L. J.
Q What was his citizenship? A Don't claim any.
Q Is that her last husband? A Yes sir.
Q She has a daughter named Maud, hasn't she? A Yes sir.
Q How many times has Maud been married? A Second time.
Q What is her husband's name? A Joe Barnett.
Q His citizenship? A Creek freedman.
Q Is he living or dead? A I don't know, sir.
Q That is the name of her present husband? A Will Riley.
Q Is he an applicant for citizenship in the Cherokee Nation?
A Yes sir.
Q You have a niece named Rosa Vann, haven't you? A Yes sir.
Q Her husband's name? A Ed Vann.
Q His citizenship? A Why, he is a claimant to be a freedman.
Q Claims to be a Cherokee freedman? A Yes sir.
Q What is the present condition of your mother Katie Ridge?
A She is very sick.
Q Is she able to travel? A No sir.
Q Confined to her room, is she? A Yes sir; probability is she won't get up any more.
Q What is her age? A She is eighty-nine.
Q Her return to the Cherokee Nation after the close of the was made at the same time you returned, was it? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

The parties hereto having no further evidence to offer this case is now closed.

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this January 15, 1907.

Walter W. Chappell

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al.	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	638
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70
Elnora Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.,	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	636
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	358
Eliza Hawkins et al.,	Cherokee Freedmen	D	358
Joseph Hicks et al.	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson	Cherokee Freedmen	D	864
Ruth Vann et al.	Cherokee Freedmen	D	866
Frank Johnson et al.	Cherokee Freedmen	D	875
Frances Johnson et al.	Cherokee Freedmen	D	676.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy,

Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie, Willard, Cliffor and Maucelia (Marcelia) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1906 (I.T.D. 17884-1905), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should

be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 9 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1906; Katie Ridge, D 295; Cornelius Ridge et al. D 586; Phoebe Johnson et al. D 589; Henry C. Ridge D 638; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D 594; William Townsend D 636; Leroy Hicks et al. D 358; Eliza Hawkins et al. D 358; Joseph Hicks et al. D 360; Katie Hicks D 361; and James A. Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their right to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act o Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks , neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelias Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. F. D. 660 the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 7, 1904-I.T.D. 3470-1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Melana, Mabel and Elmer Hicks,(Their father, Dennis Hicks, case D 350 infra.) Eliza and Tyndle H. Hawkins, Joseph, Otto A. , Katie and James A. Hicks, were born since 1866 and possess no right to enrollment as Cherokee freedmen except

as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee Eddie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Bettie Hicks; that the applicants Bettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906; that the applicants Jane Holt, Laura and Ella Benson, Jessie, Willard, Clifford, and Caucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank Johnson (In C. F. D. 853 the Commission to the Five Civilized Tribes found, on April 22, 1905, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 25, 1906-I.T .D. 7712-8846-1906), and Frances, Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Bettie Hicks and Joshua Holt, and of Anderson Johnson, deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904(I.T.D. 7192-7993-1904). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Samuel Welcome (I.T. D. 9648-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Hicks, Amy Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry . Ridge, Ida Jones, Lee Martin , Eddie Martin, Stella Martin, Cornelias

Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle R. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beason, Ella Beason, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Inella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 23 1907

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Kate Ridge for enrollment as a Cherokee Freedman.

No. F. D. 295

Henry Pack, of lawful age, being duly sworn on oath states that on the 14th day of Sept., A. D., 1901, he registered to Kate Ridge whose postoffice is Spavinaw Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Stilwell Gibson Indian Territory; and that on the 24th day of September, 1901, he received the return card which is hereto attached, signed by the said Kate Ridge, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 27th day of Sept., A. D. 1901.

J. C. Starr
Notary Public.

F.D. 2 95

F.D. 295

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901.

Given under my hand this ..... day ..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of ....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the ..... day of A.D.1901

.....

Subscribed and sworn to before me this ..... day of ..... A.D.1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 24 1901

ACTING CHAIRM

NOTICE!

IN THE MATTER OF The application of Kate Ridge for enrollment as a Cherokee Freedman:

Case No. F. D. 295

To Kate Ridge Spavinaw I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on the following dates, to-wit: Oct. 7th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of , 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cherokee Freedman D 295 et al.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

A.F.Mc.
B.C.J.

In the matter of the application for the enrollment of Katie Ridge et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

"The following named persons have been reported by the 'Commission on Citizenship' of 1878-9, as having appeared or been summoned before the Commission, with the decisions of the Commission upon their respective claims to citizenship. (Copied from Commission's report on file in Executive Office).

Saline District.

Rejected: (among others), Cornelius Ridge, Henry Ridge, Dennis Hicks and Robert Foster.

Cooweescoowee District.

Rejected: (among others), Riley McNair, Jess Ridge and Daniel Thompson.

---:0:---

I hereby certify that the foregoing is a true and correct copy of certain proceedings had before the Commission on Cherokee Citizenship as contained in Docket "A" of said Commission, and that the said docket is in the lawful custody of this office. And it is ordered that a copy of said proceedings be filed with and made a part of the record in the consolidated case of Katie Ridge, et al., Cherokee Freedman D 295 et al.

(Signed) Wm. O. Beall
Acting Commissioner

Dated at Muskogee, Indian Territory,

this SEP 14 1905.

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & PATTEN of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Katy Ridge
APPLICANT.

Dated at Choffee, Indian Territory,
this 8th day of August, 1906.

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..... *, in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* ..... *190* .....

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To David McGhee,

Dodge, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6*, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December *190*6.

Geo L Rodgers

Commissioner.

ACTING

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* ..... *190* ...

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Annie Snell,

Grove, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6*, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190*6.

Geo L Rodgers

Commissioner.

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* ..... *190*...

No. .....

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Mrs. Johnica Snell,

Southwest City, Missouri.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6*, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190*6.

Geo D Rodgers

ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* ..... *190*.

No. .....

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Joe Wox,

Grove, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *1906, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *1906.*

Geo D Rodgers

Commissioner.

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

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I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

.....

by then and there delivering a true copy of the same to said .....

.....

Subscribed and sworn to before me this ..... *day of* ..... *190* ....

.....

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Spar Sulzer,

Southwest City, Missouri.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6*, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190*6.

Geo D Rodgers

ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190*..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

.....

by then and there delivering a true copy of the same to said .....

.....

Subscribed and sworn to before me this ..... *day of* ..... *190*...

.....

.....

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To S. W. Suagee,

Coffeyville, Kansas.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *1906, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *1906.*

Geo D Lodgers

ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190*..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* ..... *190*.

No. .....

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To William H. Sutton,

Grove, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6, *to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190*6.

Geo D Rodgers

ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpoena on the within named* ..... *by then and there delivering a true copy of the same to said* .....

Subscribed and sworn to before me this ..... *day of* *190*

No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

In the matter of the

22

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Webster Weir,

Vinita, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190* 6, *to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190* 6.

Geo D Rodgers

ACTING *Commissioner.*

I,..... do solemnly swear that I am ..... years of age, and that on the ..... day of ..... 190 , in the ..... Nation, Indian Territory, I served the within Subpœna on the within named ..... by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... day of ..... 190 .

No.

SUBPOENA.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To David McGhee,
Dodge, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, 6 *190*, *to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December 6, *190*

(SIGNED)
ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* *190*

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

.....

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Annie Snell,

Grove, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6 *, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December *190*6.

SIGNED,

Commissioner.

ACTING

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

.....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* ..... *190*...

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Mrs. Johnica Snell,

Southwest City, Missouri,

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *1906, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *1906.*

SIGNED.

ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* *190*

No. .....

SUBPŒNA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Joe Fox,

Grove, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6*, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295 et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190*6.

SIGN

Commissioner.

ACTING

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..... *, in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* *190*

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Spar Sulzer,

Southwest City, Missouri.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6*, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190*6.

(SIGNED) Geo. L. Rogers
ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

.....

Subscribed and sworn to before me this ..... *day of* ..... *190*...

.....

.....

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To S. W. Suages,

Coffeyville, Kansas.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190* 6, *to testify before said Commissioner in the matter of the* Cherokee freedman enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190* 6.

SIGNED

ACTING *Commissioner.*

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpœna on the within named* .....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* *190*

No. .....

SUBPOENA.

COMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To William H. Sutton,

Grove, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190*6*, to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190*6.

ACTING *Commissioner.*

I 4 295

Katie Ridge et al

No.

SUBPOENA.

Commissioner to the Five Civilized Tribes.

In the matter of the

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190* ..., *in the* ..... *Nation, Indian Territory, I served the within Subpoena on the within named* ..... *by then and there delivering a true copy of the same to said* .....

Subscribed and sworn to before me this ..... *day of* *190*

Department of the Interior,

Commissioner to the Five Civilized Tribes.

To Webster Weir,

Vinita, Indian Territory.

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 14th *day of* December, *190* 6, *to testify before said Commissioner in the matter of the* Cherokee freedmen enrollment cases of Katie Ridge, et al., F.D.295, et al.

Dated at Muskogee, I. T. *this* 8th *day of* December, *190* 6.

(SIGNED).

Tams Bixby

Commissioner.

920295

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Kate Ridge,
Spavinaw, I.T.
Cherokee F-D-295
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

B. J. D. 293

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15 - 1901

Post Office J. S. Harrington, I. T.

District Saline

Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 Name of wife Kate Ridge Age 84

Owner's name Herman Ridge Citizenship Cherokee

Year K.R. Page 156 No. ~~3863~~ 3863 District Coo

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Does not file

Application made by No. 1 Stenographer Chas. von Meise

1 on K.R. roll as Kate Ridge

D

D.T. 295

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 1 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Ind. Ter. June 1st., 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application for the of Kate Ridge as a Cherokee Freedman.

Mellette & Smith
Attorneys for Applicants.

Enc. D295.

COPY.

Cherokee
F D-295.

Muskogee, Indian Territory, September 19, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order making a part of the record in the Cherokee freedman enrollment case of Katie Ridge et al., excerpt copies of the record of proceedings of the Cherokee Citizenship Court of 1878 and 1879.

Respectfully,

(SIGNED).

Acting Commissioner.

Incl. GL-5.
GHL

Cherokee Freedmen

D-295, et al.

COPY

Muskogee, Indian Territory, October 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(SIGNED)

Incl. S-223

Commissioner.

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 13, 1905.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. S-222

Register

Cherokee Freedmen

D-295

Muskogee, Indian Territory, October 13, 1905.

Katie Ridge,

Spavinaw, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Incl. S-88
Register

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D. 2210, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelia Jones, Elnora Mann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Mann and Josephine Mann, William

Townsend, Mollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Elize Hawkins and Tyndle D. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the Commissioner

Commissioner of Indian Affairs.

Incl. F 16.
LEB

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JFA
OFFICE OF INDIAN AFFAIRS,
83807-91559-1905. WASHINGTON.
91821-91843-1905
91492-101897-1905

December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for hiself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elnora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delana, Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor ste-children, Laura and Ella Beeson and minor children, Jessie, Willard, Clifford, and Mancelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Liella Johnson; by Eliza Hawkins for herself and her minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and her minor children, Charles Wesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks former wife of Dennis Hicks Sr.), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants, Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Bettie and Joseph Hicks; that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Millie McNair, deceased; that the said Riley, Maria, and Millie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lottie Johnson, and Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slavesof Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from G. F. Fogle enclosing motions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WWW
C

D.C.35008

--Copy--

LAND:

67026-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

G.A.W.

August 15, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Replying to your communication of the 1st instant, there is enclosed herewith copy of Office letter of December 22, 1905, reporting on the Cherokee Freedman case of Katie Ridge, et al.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

WSH
C

Muskogee, Indian Territory, August 1, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

This office is in receipt of Departmental letter of July 9 (I.T.D. 17884-1905), remanding the Cherokee freedmen consolidated cases of Katie Ridge, et al., D-295, et al., for rehearing and readjudication. It is stated that the Indian Office, in its letter of December 22, 1905, reporting in this case, concurs in the decision of this office dated October 13, 1905, adverse to the applicants in the case, and that a copy of its letter is inclosed.

You are respectfully advised that the copy of Indian Office letter referred to was not received with the Department's letter, and in order that the files of this office may be complete, it is respectfully requested that a copy of said letter be forwarded to this office.

Respectfully,

LS

Commissioner.

Through the

Commissioner of Indian Affairs.

Cherokee Freedman
295

Muskogee, Indian Territory, August 3, 1906.

Katie Ridge,

Spavinaw, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 651	William Townsend,
D 295	Katie Ridge,
D 586	Cornelius Ridge, et al.
D 589	Phoebe Johnson, et al.
D 638	Henry C. Ridge,
D 647	Ida Jones, et al.
R 70	Ary Lynch,
R 113	Elnora Vann,
D 591	Maud Riley, et al.
D 594	Rosa Vann, et al,
D 651	Mollie Townsend, et al,

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and

also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Commissioner.

Cherokee Freedman
D 295 et al.

Muskogee, Indian Territory, August 3, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866.

You are advised that in accordance with this division, the following cases will be consolidated:

R 295	Katie Ridge,
D 586	Cornelius Ridge, et al,
D 589	Phoebe Johnson, et al,
D 638	Henry C. Ridge,
D 647	Ida Jones, et al,
R 70	Ary Lynch,
R 113	Elmora Vann,
D 592	Maud Riley, et al,
D 594	Rosa Vann, et al,
D 651	Nellie Townsend, et al,
D 636	William Townsend.

The records of this office show that you are the attorney of record for all of the above named applicants except Henry C. Ridge, freedman D. 638, the attorney in whose case is shown to be Wade S. Stanfield of Vinita, Indian Territory. You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information, the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the case, of which all parties at interest will be advised. Mr. Stanfield, has this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the list of thenames and addresses of the witnesses it is suggested that you communicate with him and submit at one time a list of all of the witnesses expected to be introduced.

For your informationthere is enclosed herewith copy of Departmental letter referred to.

Respectfully,

M.A.

Commissioner.

Cherokee Freedman
D 295 et al.

Muskogee, Indian Territory, August 3, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing.

In accordance with the Department's direction, the following cases will be consolidated:

D 295	Katie Ridge,
D 586	Cornelius Ridge, et al,
D 589	Phoebe Johnson, et al,
D 638	Henry C. Ridge,
D 647	Ida Jones, et al,
R 70	Ary Lynch,
R 113	Elnora Vann,
D 591	Maud Riley, et al,
D 594	Rosa Vann, et al,
D 651	Mellie Townsend, et al,
D 636	William Tonwsend.

The applicants in these cases, and their attorneys, have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information, you willbe advised thereof, and a date willbe set for a hearing in the cases, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

M.A. Encl. 3-3.

Commissioner.

Cherokee Freedmen
D 295 D 886

Muskogee, Indian Territory, August 22, 1906

Starr & Patten,

Attorneys for Katie Ridge et al.

Vinita, Indian Territory.

Gentlemen:

In reply to your letter of August 17, you are advised that you have been entered as Attorneys of record in the Cherokee Freedmen cases of Katie Ridge and Cornelius Ridge et al.

Respectfully,

L H B

Commissioner

(COPY)

November 5th 1906.

Commissioner to the Five Civilized Tribes,

Muskogee I T

Dear Sir:

In the consolidated Cherokee Freedmen Enrollment cases of Katie Ridge et al we beg leave to submit the following list of witnesses on part of the applicants:

1--The Applicants.

2----David McGhee, Dodge I T

3----Mrs Annie Snell, Grove I T

4----Mrs Johnica Snell, Southwest City Mo.

5----Joe Fox, Grove, I T

6----Spar Sulzer, Southwest City, Mo.

7---- S.W. Suagee, Coffeyville, Kansas

8----Webster Weir, Vinita I T

9----William H Sutton, Grove I T

Respectfully,

Starr & Patten
JCS

Cherokee
FD 554.

Muskogee, Indian Territory, November 9, 1906.

Messrs. Starr & Patton,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:-

This office is in receipt of your letter of November 5, giving a list of the witnesses, and their addresses, you expect to introduce on behalf of applicants in the Cherokee Freedmen cases of Katie Ridge, et al.

In your separate letter of November 5, you state that: "the list of witnesses submitted today is with the understanding that this case will betried alone and be not mixed with the Moses Riley or Dennis Hicks cases." You request that if it is convenient these cases be set for hearing on November 21 or 22, 1906. In reply you are advised that the Attorney for the Cherokee Nation has been consulted in reference to setting these cases for hearing on the date mentioned, and he advises that on account of the work necessary for him to do, in order to be prepared for a hearing in the Cherokee Freedmen cases set for hearing December 5 and December 7, 1906, it will be impossible for him to be prepared for a trial in the Ridge cases on the date mentioned by you. He states, however, that he will be ready to go to trial in the Ridge case on or after December 14, 1906, and you are requested to advise this

office by return mail whether or not it will be convenient for the applicants to hear their case on December 14, 1906 and, if so, to advise the names and addresses of any witnesses you expect to introduce on their behalf in addition to those whose names and addresses you furnished this office with your letter of November 5, 1906.

Respectfully,

Commissioner.

JH.

J. C. Starr.

Attorney at Law.

Vinita I. T.

November 13, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes.

Muskogee, I. T.

Dear Sir:-

Replying to your letter of November 9th 1906 saying that the Attorney for the Cherokee Nation advises you that he will be ready to go to trial in the consolidated Cherokee Freedmen Enrollment cases of Katie Ridge et al on December 14, 1906, we beg to advise you that December 14th 1906 is entirely satisfactory to us.

We also desire to further state that the list of witnesses heretofore furnished you by us is all we have in this case.

Respectfully,

Starr & Potter.

Cherokee Freedmen
D 295

Muskogee, Indian Territory, November 12, 1906

Katie Ridge,

Spavinaw, Indian Territory.

Dear Madam:

In connection with your Cherokee freedmen case, you are advised that by agreement between your attorneys, Starr and Patten, Vinita, Indian Territory, and the attorney for the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner on December 14, 1906, and introduce the testimony of the witnesses whose names and addresses your attorneys furnished this office November 5, 1906.

The Cherokee Nation will be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in your case.

Respectfully,

Commissioner.

MMP

Cherokee Freedmen
D 295

Muskogee, Indian Territory, November 12, 1906.

Starr & Patten,
Attorneys for Katie Ridge, et al.
Vinita, Indian Territory.

Gentlemen:

In compliance with the verbal agreement between you and the attorney for the Cherokee Nation, the Cherokee freedmen enrollment case of Katie Ridge, et al., will be set for hearing at Muskogee, Indian Territory, on December 14, 1906, at which time the applicants will be permitted to introduce the testimony of the witnesses whose names and addresses you furnished this office with your letter of November 5, 1906.

Respectfully,

Commissioner.

WMP

rokee Freedmen
D 295

Muskogee, Indian Territory, November 12, 1906

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In compliance with the verbal agreement between you and Starr and Patten, attorneys for applicants in the Cherokee freedmen enrollment case of Katie Ridge, et al., you are advised that said attorneys have this day been notified that they will be permitted to appear before the offices of the Commissioner on December 14, 1906, and introduce the testimony of the witnesses whose names and addresses they furnished this office with their letter of November 5, 1906, a copy of which is enclosed herewith.

Respectfully,

Incl.P-10
WMP

Commissioner.

POOR ORIGINAL

Cherokee
FD 295 etal.

Muskogee, Indian Territory, January 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, December 14, 1906, in the matter of the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-58.
GHL

Commissioner.

Cherokee
FD 295 etal

Muskogee, Indian Territory, January 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, December 14, 1906, in the matter of the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-57.
GHL

Commissioner.

Cherokee D.
295

COPY

Muskogee, Indian Territory, February 28, 1907.

Katie Ridge,

Spavinaw, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others the application for your enrollment as a Cherokee freedman. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Register

SIGNED Tams Bixby

Commissioner.

Enc I-38

RPI

Cherokee F.D
295 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this officeis informed of same.

Respectfully,

Commissioner.

Enc I-37

RPI

Cherokee F.D COPY
295 et al.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams

Commissioner.

Encl-35

RPI

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elmera Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucellia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie

Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner, dated February 28, 1907, rejecting said application.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 588, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its decision rendered on July 8, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57608-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll

of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Commissioner

Through the Commissioner of
Indian Affairs.

Enc. I-36

KPI.

(C O P Y)

D.C.13395-1907 J.F.Jr.

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON.

I/T.D.8072-1907. March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 28, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman." You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmanship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc. and
2 to Ind. Of.

(C O P Y)

--Copy--

DEPARTMENT OF THE INTERIOR,

LAND
21941-1907

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elmera Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delsma Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otte A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maunelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of February 28, 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 22, 1904 (I.T.D.7724-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. 3907.

Mr. Bixby now reports that Laura Daniels was born since 1866 and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

Cherokee F.
D-295

Muskogee, Indian Territory, March 15, 1907.

Katie Ridge,

Spavinaw, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

JMH

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby,

Commissioner.

Encl.H-5
JWH

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

Commissioner.

Encl.H-6
JMH

Cher Fr R 859
Trans. from Cher Fr D 306

Cher Fr R 859

OF THE INTE
COMMISSION OF THE FIVE CIVILIZED TRIBES.
FILED
JAN. 17 '90

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 16th, 1901.

In the matter of the application of Edmond Blythe for enrollment as a Cherokee Freedman; said Blythe being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Edmond Blythe.
Q What is your age, Mr. Blythe? A 28.
Q What is your post office address? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cheroke Freedman? A I suppose so.
Q Is your name on the roll of 1880? A Not that I know of.
Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton roll.
Q Who do you want to enroll besides yourself? A No one but myself.
Q What is your father's name? A I don't know.
Q What is your mother's name? A Abbie Blythe.
Q Is your mother living? A Yes, sir.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The Kerns-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 158, #3903, Edward Blye.
The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 192, #3485, Edmund Blythe.

Q Where were you born? A I was born in the Cherokee Nation.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Has your mother applied yet to be enrolled? A Yes, sir.
Q Have you any witnesses, or is the testimony in her case the same as yours? A Be the same I suppose, only the witnesses to identify that I was her child if you want it.
Q You say you were born and raised in the Cherokee Nation?
A Yes, sir.
Q Are you married? A No, sir.
Q No children? A No, sir.

COM'R NEEDLES:--Edmond Blythe applies for enrollment of himself as a Cherokee Freedman. His name is not found upon the authenticated roll of 1880, but he is duly identified upon the Kerns-Clifton roll and the Wallace roll according to the page and number of the rolls as indicated in the testimony. He avers that he is the child of Abbie Blythe, whose citizenship is contested and whose name is found upon D Card #257 . The testimony taken in the case of Abbie Blythe for the enrollment of herself is referred to and will be made part of the record in this case, and a copy of the testimony will be filed herewith. Consequently by reason of the fact that the said Edmond Blythe's name is not found upon the authenticated roll of 1880 and his citizenship is contested as well as that of his mother, Abbie, he will be listed for enrollment as a Cherokee Freedman upon a doubtful card for the further consideration of the Commission. When a decision is arrived at he will be duly notified by mail.

---oooOOOooo---

I. O. Rosson, being first duly sworn, states that ats stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 17th, 1901.

T. B. Needles
Commissioner.

VB. J.R. 356.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 16 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office Spaviman I.T.

District Sabine

1. Name Edmond Blythe Age 28

Owner's name Citizenship

Year KC Page 158 No. 3903 District Cov

Parents:

Father Citizenship

Mother Abbie Blythe - living Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer J. C. Rosson

1 On KC roll as Edward Blye
1 " Wallace. Page 192 # 3485 - Edmond Blythe

K1-g D 257

6

F.D. 306

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 14 1901

ACTING C

D-257

To be filed with case of Edmond Blythe, C. F. D.#306.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 11, 1901.

In the matter of the application of Abbie Blythe for the enrollment of herself and two children as Cherokee Freedmen. Abbie Bly being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abbie Blythe
Q What is your age? A I don't know my age.
Q About how old are you? A I can't tell you, my mistress is sitting here, she can tell you better than I can; I don't know my age.
Q Well, what is your post office? A Spavinaw.
Q What district do you live in? A I live in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Two children; I have six but they are all grown but two.
Q What are the names of the children? A Minnie and Calis.
Q How old is Minnie? A I have her age here in my packet (hands Commissioner paper.)
Commissioner: Minnie Bly, 16; Calis, 12.
Q Have you ever been recognized by the Cherokee Authorities as a Cherokee Freedman. A Well, I don't know whether they recognized me or not.
Q Is your name on the roll of 1880? A No, sir, I think not.
Q Did you draw strip money? A Yes, sir.
The 1880 Authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined and the applicants identified thereon as follows:
Abbie Bly on page 158, No. 3897, Coowescoowee district, as Abbie Blye.
Minnie Bly on page 158, No. 3899, Coowescoowee district, as Minnie Blye.
Calis Bly on page 158, No. 3900, Coowescoowee district, as Callus Blye.
Q Did you ever apply to any other Nation to be enrolled besides the Cherokee Nation? A No, sir.
Q Were you a slave. A Yes, sir.
Q What was your owner's name? A Bly the
Q What was his first name, his given name. A Jim Bly.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q An Indian. A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war between the United States and the Confederacy. A Yes, sir, I went out.
Q Where did you go? A I don't know the time.
Q What State. A Well, I don't know the state, just went into the State.
Q North or south. A I went north.
Q Have been expected. A Yes, sir, I expect so.
Q Well, when did you come back from Kansas to the Cherokee Nation? A I don't know the month of it.
Q Have you been living here ever since, in the Cherokee Nation? A Yes, sir.
Q Can you say why your name is not on the roll of 1880? A No, sir, only just because they wouldn't put me on it at all I guess.
Q You were sure you came back in '65? A Yes, sir.
Q Been living here ever since. A Yes, sir.
Mr. J. L. MARTIN, Cherokee Attorney: You belonged to Jim Bly before the war? A Yes, sir.
Q He sold you to a man in Missouri. A No he didn't, he never sold me to no man in Missouri.
Q Before the war? A No he didn't.

Q You lived in Missouri? A Well he never sold me to no man and I never lived there that I know of.
Q You lived before the war in Missouri? A No, sir.
Q Did you live there during the war in Missouri? A Well my mistress is back there, you can call her, I was too young to tell anything about that, she is here to answer for that.
Q How old are you now A I can't tell you my age, she will answer for that, I told you as far as I could.
Q you were gorne when the war came up? A I was a nurse in the house.
Q Who did you come back to the Cherokee Nation with after the war? A I came back with a white family.
Q what white family? A With a family by the name of Dodson, or some such as that.
Q You don't know one year from another? A No, sir, don't know one year from another only when I hear it.
Q have you heard what this year is? A Well, I expect I have.
Q What is it? A I can't remember, I guess I have heard what year it is if I could remember it.
Q Do you know any other year except '66? A Yes, when I hear them called.
Q What other year have you heard called? A I am not supposed to tell you because I didn't keep no record of it.
Q You don't know a single one? A No, sir, I don't.
Q Who told you to say '66 when you came in here? A Nobody only myself, I know that is what the people said when the party came here at that time.
Q You never heard anybody call a single date since then?
A Yes, I guess I could if I could read and write like you can, I guess I could remember something about it.
Q A man by the name of Dodson brought you? A Yes, by the name of Dodson.
Q Did you come on this Frisco train? A No, sir, there wasn't any trains here, you know there wasn't any trains here.
Q Where did you come from? A I done said where I come from as near as I can.
Q Where is that? A I told you I come from Kansas.
Q What place in Kansas? A I don't know what place.
Q You don't know anything about that? A No, I told you just as near as I can tell you now.
Q How did you come, in a wagon? A Yes, sir, come in a wagon.
Q Anybody else besides the man come with you? A Yes, sir, his wife was along.
Q What was her name? A I never asked her name only I reckon her name was Mrs. Dodson, that was her husband's name.
Q Where did you come to in the Cherokee Nation? A Why we camped up on Grand river, they camped there a while.
Q What part of the Grand river? A I don't know what part, just the Grand river is all I can tell you, I don't know what part, but I never thought I would ever have to give any record of it, I never thought any more of it.
Q You were not married then? A No, sir, I wasn't.
Q How long did you camp up there with them? A Well, I don't know how long I campted.
Q A few weeks or a few months? A I don't know, because it has been so long I can't tell you how long I camped.
Q Near what point, what town or place was that? A There wasn't no town.
Q Just camped on the river? A Yes, sir.
Q Anybody live around there? A Well, I suppose there was.
Q You never knew any of them? A No, sir, I didn't.
Q Well, where did you go from there? A On Grand river down here back on the river.
Q Well, into what neighborhood? A Down here close to the Island Ford, they call it, or Tanyard Ford, or something.

Q About how many years have you been down there? A I can't tell you how many.
Q Three or four? A No, I have been there for years, ever since I came here.
Q Did you stay as much as a year up above here? A Well now I have answered all the questions I can answer you.
Q I mean in that camp? A Did I stay a year; I told you I don't know how long I stayed, I camped there, I don't know whether it was a year or not because I didn't keep any record of it.
Q Was it longer than a month? A I suppose it was longer than a month, I know I was there quite a little while.
Q What were the people doing while you were camping up there, Dodson and his wife A Nothing only walking around, camping up there, they were moving.
Q You don't know where they got provisions? A I got it from them.
Q You don,t know where they got it? A No, I don't bought it I reckon.
Q Any other colored people with you? A No, sir.
Q What became of these people? A Now I can,t tell you, I don't know where they went.
Q You don't have any idea how long you stayed there? A No, sir.
Q You were married; you have been married? A Yes, sir.
Q What was your husband's name? A His name was Hilderbrand.
Q And you and him were married before then? A No, sir, I have answered you all the questions I can answer you, I have done answered all that is required I think.
Q What is your oldest child's name A She will tell it in when she comes in.
Q Don't you know?
Commissioner: Tell her name.
A Her name is Anna.
Mr. Hastings: Where was Anna born? A She was born the year after p peace was made.
Q Did you have Anna alone with you? A She was a little bit of a baby; I brought her here a baby.
Q You brought her here a baby? A Yes, sir.
Q Your husband wasn't alone you mute? A No, I didn't have any.
Q Where was Alice born; did you have a child named Alice?
A Alice was born in the Nation.
Q I mean where was Alice born? A Born in the Nation, I can't tell you.
Q What part of the Nation? A I don't know, I have told you in the Nation, I don't know what you want to ask people so many questions for when they have told you.
Q You don't know the place? A No, I don't remember that place she was born in the Nation.
Q Was she born up there where you were camping? A No, sir, she wasn't born in the camp.
Q You don't know what place, what house, with whom you were living? A I have done answered you all I can answer you.
Q You don't know? A I didn't know I have to tell you everywhere they were born at.
Commissioner: Where was Alice born; you know now where she was born? A Yes, sir, she was born on the river in an old house there.
Mr. Hastings: In what settlement was that; who were you neighbors?
A Well, I had several neighbors.
Q At the time Alice was born? A Part of them is dead and the others is young.
Q Them that are living? A The [illegible] they can't tell and to [illegible] it.
Q What are their names? A Aunt Nancy [illegible] one of them, and Aunt Charlotte was another.
Q What were their other names? A Aunt Nancy Lynch and Aunt Charlotte Adams.
Q You have been living down there on the river ever since, have you?
A Yes, sir.
Q Near IslandFord or Lynch's Prairie; you are living in there now?

A Yes, sir.
Commissioner. Have you got any witnesses? A Yes, sir, there is my Mistress sitting there.

JEMIMA BLY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jemima Bly.
Q About what is your age? A 68.
Q What is your post office? A Vinita.
Q Are you a Cherokee citizen? A Yes, sir, by blood.
Q Do you know Abbie Bly? A Yes, sir.
Q About how old is she? A She was about two or three years old, I don't know which, when I marriedin '49; she was just a little girl.
Commissioner: About 56 years old.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A She belonged to Mrs. Rucker, Polly Tucker, first.
Q Did she ever belong to your family? A Yes, sir, her mother belonged to Pollie Tucker and afterwards we bought her from Polly Tucker's daughter, Mr. Bly did.
Q Mrs. Bly, did Abbie go out of the Territory during the war?
A We all moved out.
Q North? A We moved out just across over the line into Missouri.
Q Abbie went along with you A Yes, sir, Abbie was with us.
Q When did Abbie return? A She came home in '65 just over in the state of Missouri and then I don't know anything more of her till I found her in Vinita in '79; that was the time my oldest daughter died '79, and she came to us, came in, that is the reason I know it was '79 that she came back in, account of the death of my daughter; she was in the Nation at that time but I don't know how long before.
Q You don't know then how soon she returned to the Nation after you saw her in Missouri? A No, sir, she was trying at that time to make her way back.
Q That was in '65? A That was in '65.
Q Over in Newton County, Missouri, she was trying to make her way back? A She was trying to make her way to the Nation at that time and we were not coming back and she went on and I don't know where she went and I don't know what became of her until I saw her here in '79; she was living over here in this neighborhood that she spoke of, down on the river.
Q She has been living then in the Cherokee Nation since that time?
A I know she has been living in the Cherokee Nation ever since '79 for I have seen her occasionally, once or twice a year.
Q But where she was from '65 to '79 you don't know? A No, sir.
Mr. Hastings; Your husband was named Jim Bly. A Yes, sir.
Is he living? A I don't know whether he is or not, he has been dead to me ever since '79; I have never tried to force myself in regard to him; he outedly told me 'I can't support you all and I will not do it and you can starve to death for all I care.'
Q Well, as we want is the facts. A You might have known if Mr. Bly has been living and had been living with me, he would have been living with me.
Q Isn't it a matter of fact that Mr. Bly sold this girl out to a man in Missouri before the war came up? A No, sir, he didn't; if he swore that he is mistaken.
Q He didn't sell her before the war came up? A If he were that he is mistaken he made a mistake if he swore that.
Q You know he owned her at the time the war came up?
A I know Mr. Hastings he owned her in '65 for Mrs. Harris was my baby in '65 and this was the nurse for Mrs. Harris.
Q Where did you live at that time? A Mr. Bly had gone over in Missouri to settle up his father's business that he died and left

unfinished over there, and when we were there the war came up.
Q When did you go over to Missouri? A Before the war.
Q How long? A I didn't keep any dates.
Q About how many years? A If you will let me I will go and get my family record and let you examine it.
Q I don't care if you got forty of them at home, I just want you to remember it? I don't care for the month and week and day but I want to know how long to the best of your recollection before the war came up you went over there? A We went over there temporarily, we didn't withdraw from the Nation to go over there.
Q About how long were you over there temporarily before the war came up? A We were over there two or three years, I don't know, I am not positive.
Q To the best of your recollection? (No response.)

CAP HICKS, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q What is your age? A 53.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know Abbie Bly, the applicant? A Yes, sir.
Q Do you know where she was in '66? A No, sir.
Q When did you know her? A I have known her about 25 or 26 years.
Q Did you ever became acquainted with her till after '66?
A No, sir.
Q Do you know whether she was a slave or not? A No, sir.
Q Do you know when she returned to the Cherokee Nation?
A No, sir.
Mr. Hastings; You live down here near the Lynch settlement?
A I did, yes, sir.
Q You lived there from '65 on up to when did you move to Vinita?
A Just this last fall; just one or two years I lived there on Rock Creek.
Q You have known this woman for 25 or 26 years? A Yes, sir, to the best of my recollection.
Q How far did she live from you down in that settlement when you first knew her? A About four miles.
Q That is when she first came there to your recollection?
A That is the first I ever seen her and knew of her?

Commissioner: Abbie Bly applies for the enrollment of herself and two children, Minnie and Calis. From an examination of the authenticated roll of 1880, her name is not found thereon, nor the census roll of 1896, but her name is found upon the Kerns-Clifton roll. The names of her children, Minnie and Calis, are found upon the Kerns-Clifton roll. She makes satisfactory proof of residence, and will be listed for enrollment as a Cherokee Freedman upon a doubtful card for the further consideration of the Commission. When the Commission arrives at a conclusion in her case, she will be notified by mail.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed.) Bruce C. Jones.

Sworn to and subscribed before me this the 14th of May, 1901.
(Signed) T. B. Needles,
Commissioner.

---oo0oo---

Abbie Bly.--6.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy of the testimony and proceedings in the case of Abbie Bly, and that the foregoing is a true and complete ~~ix~~ copy of the original transcript made by Bruce C. Jones as stenographer.

J. O. Rosson

Subscribed and sworn to before me this 12th day of August, 1901.

Commissioner.

DEPARTMENT OF JUSTICE
COMMISSION TO THE PHILIPPINES
AUG 14 1901
DEPARTMENT OF JUSTICE
COMMISSION TO THE PHILIPPINES

Q. Where were you? A. I was in the house of Mariano Apolinario.

Q. Was Apolinario there? A. No, sir; I went there.

Q. How long did you remain there? A. About half an hour.

Q. Who else was there? A. Mariano Apolinario, Cecilio Apolinario, Gregorio Apolinario, Cecilio Apolinario, Gregorio Apolinario, Cecilio Apolinario, Gregorio

To be filed with case of Edmond Blythe, C. F.-D.#306.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Abbie Blythe, Cherokee Freedman Doubtful Card #257.

APPLICANT and the REPRESENTATIVE for the CHEROKEE NATION present.

JIM ALBERTY, called and sworn by Commissioner T. B. Needles, as a witness for the applicant, testified as follows:

Q What is your name? A Jim Alberty.
Q How old are you? A 70.
Q What is your post office address? A Chouteau.
Q Are you a recognized citizen of the Cherokee Nation?
A I cannot tell you, I drawed the money.
Q Do you know Abbie Blythe, the applicant, here? A Yes, sir.
Q How long have you known her? A I have known her a long time, some before the war.
Q Was she a slave? A Yes, sir.
Q Whom did she belong to? A Jim Blythe.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Was he an Indian? A He was pretty white.
Q Was Abbie Blythe out of the Cherokee Nation before 1866, during the war? A No, sir,--I don't know.
Q Where was she in 1866? A On Grand river with some white people in camps.
Q In the Cherokee Nation? A Yes, sir.
Q Has she lived here continuously ever since? A Yes, sir every time I seen her.
Q The first time you saw her was in 1866? A Yes, sir, in camps.
Q Where? A On Grand river in the Cherokee Nation.

BY L. B. BELL, Cherokee Representative:

Q Whereabouts on Grand river did you see her? A Some where near Carey's Ferry.
Q How long did you stay with her there? A I didn't stay with her, I just passed by there and she asked me the way to go to Mrs. Blyhte's.
Q And you just passed on and didn't see her any more? A No, sir.
Q What was you doing there? A I was just passing by there that was all.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in fall all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(Signed) Chas. von Weise.

Subscribed and sworn to before me this 20th of May, 1901, at Vinita, I. T.
(Signed) T. B. Needles,
Commissioner.

---oooOOOooo---

J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy of the testimony and proceedings in this case, and that same is a true and complete transcript of the original transcript.

Subscribed and sworn to before me this 12th day of August, 1901.

Commissioner.

03306

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBE
FILED
SEP 27 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Edmund Bly for enrollment as a Cherokee Freedman:

Case No. F. D. 306

To Edmund Bly

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on the following dates, to-wit: Oct. 1st at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 1901 day of , 1901.

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Edmond Bly for enrollment as a Cherokee Freedman.

No. F. D. 306

Henry Pack of lawful age, being duly sworn on oath states that on the 10th day of September, A. D., 1901, he registered to Edmon Bly whose postoffice is Spavinaw Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 27th day of September, 1901, he received the return card which is hereto attached, signed by the said Edmond Bly, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 27th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

latter part of '45 I think.

Do you know with whom she was living or [illegible] the announcement Proclamation was issued? [illegible] replied Mr. Byrne.

[illegible] Mrs. [illegible] I do not know anything [illegible] Mr. [illegible] Do you know that she was living with [illegible] State of Kansas before the war? A. [illegible] along in the '60s? A. Yes, sir.

[illegible] will be filed a [illegible] Freedmen Identical cases [illegible]

[illegible] Johnson, being first duly sworn, [illegible] testify in the Commission in the "Five Civilized Tribes" [illegible] concerning the testimony and proceedings in this [illegible] according to the true and complete transcript [illegible] taken thereon.

[illegible]

P4D306

File with case of Edmond Blythe, C.F.-D.#306.

Supl.C.F.-D.#257.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 2d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Abbie Blythe as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. I. P. Bledsoe, Agent for applicant;
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

JAMES C. BLYTHE, being duly sworn and examined by Commissioner Breckinri dge, testi fied as follows:
Q Give me your full name, Mr. Blythe? A James C. Blythe.
Q How old are you? A Well, according to the record I was born in 1824, July 7th.
Q What is your post office? A Bartlesville.
Q How long have you lived in the Cherokee Nation? A I have been princiapply been raised here.
Q Pretty much all yourlife? A Yes, sir.
Q Were you born here in the Nation? A I was born in the old Nation.
Q Came here with the Cherokees when they moved to this country?
A Yes, sir, I moved here with the Cherokees when they moved here
MR. DAVENPORT: Did you own any slaves prior to the breaking out of the Civil War, Mr. Blythe? A Yes, sir.
Q Where were you living at the time the war broke out? A I was living in McDonald County.
Q What State? A Missouri.
Q About how many years had you been over there in McDonald County, Missouri, before the breaking out of the war? A I think I moved there in '56, to the best of my knowledge it was in '56.
Q Well, did you have any slaves over there with the from the time you moved there up to the time the war broke out? A Yes, I had one slave that I moved up to that place.
Q Did you have a slave when you moved there by the name of Abbie?
A Yes, sir.
Q You owned a slave prior to the breaking out of the war?
A Yes, sir, I bought one after I moved to that place, I don't know it must have been a year or two afterwards, after I moved there.
Q A year or two after you moved to Missouri you bought this slave Abbie? A Yes, sir.
Q Now what became of Abbie; did you continue to own her up until the time she was freed? A I sold her during the war.
Q Who did you sell her to? A I sold her to Jim Lamance, he was Clerk of the Court there.
Q What became of him? A I expect he is dead now.
Q What was his post office, Mr. Blythe? A At that time Pineville, Missouri, McDonald County.
Q Did you know any man by the name of Dodson who lived near you in McDonald County, Missouri? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A No, sir, he never came here that I knew of.
Q Where were you living when the war closed? A My residence was at the same place.
Q Your residence was at Enterprise? A Yes, sir.
Q You had enlisted during the war; been in service? A Yes, sir, I was a soldier during the war.
Q Well, afteryou sold Abbie when did you next see her and where was she when you saw her? A I was at Enterprise, McDonald County.

Q About what year was that, if you remember? A Best of my recollection it was between 1862 and '3.
Q I am speaking now not when you sold her, when you saw her after you sold her? A Well, it was the spring of '66, she came to my residence there and wanted to come back as before and I was broke up and told her she was as free as I was and look out for herself.
Q When did you move back to the Cherokee Nation after the war?
A I moved back in '68.
Q Where did you locate when you came back? A Tahlequah.
Q How long did you live at Tahlequah before you left there, Mr. Blythe, about how many years? A I lived there from '68 until '71.
Q When you left there in 1871 to what point did you come?
A I come to this place.
Q From the time you moved from Missouri until you came to Vinita had you seen Abbie, this wlave you had owned prior to the war?
A No, sir, I never had saw her.
Q Did you see her after you moved to Vinita? A Yes, I saw her.
Q When was it with reference to the time you moved to Vinita and where did you see her? A She came to me at this place and she said she was hunting me up to find the best place to locate and I told her how she had a right to locate there and I told her to pick on a place and go to work, that I supposed it would be all right, and she located out here east of Little Cabin.
Q Did you have any conversation with her as to where she had been?
A I asked her the question where she had been and she said she had been up in Missouri and I said where did you come from here; I said did you just come in and she said yes; and I said where did you come from and she said Granby.
Q Now, is there anything that fixes the time with reference to Vinita after you came here? A It was after the railroad came here that I came to this place.
Q Which road do you have reference to? A This Texas road.
Q M. K. & T.? A Yes, sir, the road wasn't put there at that time.
Q You have known her since that time? A Yes, sir, she has been here ever since; I see her here frequently, at least she told me she was living out there.
Q From whom did you buy this Abbie if you remember? A I bought her from a nephew of mine that lives here in the Nation.
Q Did he live in the Nation at the time? A Yes, sir.
Q That was in the '50s? A Riley Blythe wasthe man's name I bought her from.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q And she was living with you in the State of Missouri at the breaking out of the war? A Yes, sir.
Q And you sold her? A I sold her during the war.
MR. BLEDSOE: Mr. Blythe, you state that you sold this woman, Abbie, during the war; do you know what time you sold her? A Well as I stated it was between '62 and '3, it was before the Proclamation came out. I don't suppose I could have sold her after she was freed
Q I didn't know but what you had sold her after the expiration of hostilities; she was your slave then up to the commencement of the war in '61? A Yes, sir.
Q And you were a Cherokee citizen at that time? A I was a Cheroke but I wasn't living in the Cherokee Nation at that time.
Q Who was your wife, Mr. Blythe? A She was a Rogers.
Q What was her name ? A Jemima.

Q A few questions here "Is it a matter of fact that Mr. Blythe sold this girl out to a man in Missouri x before the war"; andswer: "No, sir, he didn't; he if swore that he is mistaken;" consequently there seems to be idfference of opinion. "He didn't sell her before the war came up; if he swore that he is mistaken:" "You know he owned

her at the time the war came up I know, Mr. Hastings, he owned her in '65 for Mrs. Marks was my baby in '65 and this was the nurse for Mrs. Marks". A Yes, I know when the war came up; I don't knowt that I made a statement of that kind.
Q Did you or not, Mr. Blythe, testify before the Kern-Clifton Commission that you sold her in 1865? A I never sold her until the war came up.
Q Didn't you state before the Kern-Clifton Commission that you sold this woman in 1865? A No, sir, never did; it is wrong print if I did.
Q Isn't it a fact now that she nursed Mrs. Marks as stated here by your wife? A I guess she did.
Q Whom did she belong to at that time? A At the time she nursed Mrs. Marks?
Q Yes? A She belonged to me.
MR. DAVENPORT: Well, in 1865 she nursed Mrs. Marks and belonged to you? A It was in 1862; I think she was misteken in the year.
Q Well, you know whether or not positively she belonged to you in 1865 after the Emancipation Proclamation? A Yes, sir.
Q The testimony to which your attention was called would sho nursed Mrs. Marks or was your slave in 1865? A Oh, shucks, that is all non sense.
Q The Emancipation Proclamation was issuedbefore that time?
A Yes, sir.
MR. BLEDSOE: Mrs. Marks is your daughter? A Yes, sir.
Q Do you know when she was born? A In '62.
Q Then she was not a baby in 1865? A If she was she was a big baby.

MILTON M. CAULK, being duly sworn and examined by Commissioner Breckinridge, testified as follows on behalf of Cherokee Nation:
Q Give me your full name? A Milton M. Cauld.
Q How old are you? A 53 years old.
Q What is your post office? A Chelsea.
Q How long have you lived in the Cherokee Nation? A About 12 years.
MR. DAVENPORT: Where did you live prior to comeing to the Cherokee Nation, Mr. Caulk? A Lived in Missouri.
Q What place in Missouri? A What is called old Enterprise, in McDonald County, Missouri.
Q Where were you living prior to the breaking out of the war?
A I was living in Missouri.
Q Were you living near Enterprise? A Yes, sir.
Q Did you know James Blythe prior to the breaking out of the war?
A Yes, sir.
Q Now his slaves or any of them at that time? A Yes, sir, he had two.
Q What were their names? A Abbie Blythe and Montoe.
Q Did you know a Scott family over there and man by the name of Dodson? A Yes, sir.
Q Do you know whether Dodson ever moved to the Cherokee Nation?
A No, sir.
Q You are a citizen of the Nation? A Yes, sir.
Q Do you know whether or not he was a citizen of the Nation or claimed to be a citizen of the Nation? A No, sir, he never claimed to be a citizen.
Q Do you know whether Abbie Blythe was disposed or to any one durinf the war by Mr. Blythe? A I did not, only hearsay.
Q How long did you know her before the war; had she been living in the state of Missouri? A To the best of my knowledge I think about '55 was when I first got acquaint ed with her, '55 or '6,

latter part of '55 I think.
Q Do you know with whom she was living or to whom she belonged when the Emancipation Proclamation was issued? A My information was she belonged to Mr. Blythe.
Q You don't know whether he disposed to her? A No, sir.
Q Well, do you know anything about her after the war? A No, sir.
Q Well, all you knowis that she was living with Mr. Blythe in the State of Missouri before the war? A Yes, sir.
Q Along in the '50s? A Yes, sir.

This will be filed as additional testimony in Cherokee Freedmen doubtful cases #257, #306, #217, #367, and #368.

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J. O. Mosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribex he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Mosson
J.

Subscribed and sworn to before me this October 14th, 1901.

Commissioner.

74. 8X0306

File with Cherokee Freedman, D-303, Edmond Blythe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 4, 1901.

In the matter of the application of Abbie Blythe for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
I. P. Bledsoe, Agent for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Abbie Blythe, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A Abbie Blythe.

Q How old are you? A I don't know.

Q To whom did you belong when the war ceased? A I belonged to Miss Blythe.

Q Did you nurse Mrs. Marks that is now? A Yes, sir.

Q Were you nursing Mrs. Marks, or was that what you were doing when you left them? A I was her nurse when I left her, nursed Fanny, her oldest child.

Q Where did you go when you left here? A I went in Kansas somewhere, as I stated before.

Q Who did you live there with? A I lived there with a family by the name of Dodson.

Mr. Hastings: Where were you, went to Missouri when you left?

A I don't know whether it was in Missouri or what.

Q You don't know where you were? A Well I said I told you.

Q Well, do you think you were in Missouri when you left and went off with this man, called Dodson? A Yes, sir, I came home here.

Q Weren't you in Missouri when you left? A Yes, sir.

Q How long had you been in Missouri when the war came up? A I don't know.

Q 20 years? A No, sir.

Q Ten? A I don't know.

Q Well, the best of your judgment? A Well I don't know, I haven't got any judgment about it because I don't know.

Q Well, was you up there five years? A I don't know.

Q Had you been there more than that? A I don't know.

Q You have got no judgment at all about it? A No, sir.

Q You know that you were in Missouri when the war came up?

A No, I wasn't, I was in the Nation here when the war came up, at home.

Q Where? A Well I don't know whereabouts, I told you before that I don't know one place from another.

Q You know Missouri from Arkansas? A No, only I have never been to Arkansas.

Q You know Missouri from the Cherokee Nation? A This is the Cherokee Nation.

Q Well, do you know Missouri from this? A Yes, I guess I do.

Q Guess you do? A I have answered all I can answer.

Q That is all you want to answer? A Yes, I don't want to answer no more.

Q Ever live in Missouri? A (No response).

Q Did you ever live in Missouri at any time? A Well now I have done answered you.

Commissioner: Well answer it again, yes or no. A Of course when I came from there when I came back home.

Commissioner: This testimony will be filed with the original case, and with the following cases: D-257, D-306, D-217, D-367, and D-368.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 15th of October, 1901.

Commissioner.

Note: Please at 11 (Sep 11) 2

[illegible]

[illegible]

[illegible]

File with C.F. D-306, Edmond Blythe.

SUPPLEMENTAL: C. F. D-257.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., Oct. 2,1901.

In the matter of the application of Abbie Blythe et al. for enrollment as Cherokee Freedmen.

TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
J.S.Davenport, Esq., of Attorneys for Cherokee Nation;
I.P.Bledsoe, Esq., agent for the applicant.

JAMES C. CHILDERS, being sworn by Commissioner Breckinridge, testified as follows:

BY COM'R BRECKINRIDGE:

Q Give your full name? A James C. Childers.
Q How old are you? A 53.
Q What is your post-office? A Catale at present.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Well I couldn't hardly answer the question properly.
Q Have you lived here all your life? A Might near, yes, sir, well I will just simply state for the last eight years, the last stay.
Q Where were you born? A I don't know where I was born whether in the Cherokee Nation or Missouri, but right on the line.
Q How old were you when you first remembered the Cherokee Nation? A Well I don't know, three orfour years old I reckon; best of my recollection.
Q Where have you lived other than in the Cherokee Nation? A Well I have lived a little in Kansas and a little in Colorado and Missouri.

BY MR. DAVENPORT:

Q Where were you living from '55 until '60, Mr. Childers? A Living right on the line of Missouri, inside of the state.
Q Near what place? A Elk Mills.
Q Was there any post-office known as any place? A Elk Mills was the post-office.
Q Did you know James Blythe alone in '50? A Yes sir.
Q About when did you first get acquainted with him? A Well, to the best of my knowledge first acquaintance was about '59 or '60 that I knowed Jim Blythe when I saw him.
Q Where was he living at that time, if you know? A Enterprise, Missouri.
Q How far was that from the place where you lived? A Between a mile and a half and 2 miles.
Q Was he engaged in any business over there at that time? A Yes sir, in the mercantile business.
Q Running a store at Enterprise, Missouri? A Yes sir.
Q Do you know whether or not he had any slaves? A There was a couple there, I was always told they belonged to him and his wife.
Q Did you know their names? A I personally know the name of the boy or man, Monroe was his name; I believe they called the girl or woman Abbie, but I am not right positive about that.
Q From the time you got acquainted with Mr. Blythe until the breaking out of the war where did he continue to live, do you know?
A From the time I first got acquainted with him until during the war he lived at the same place, Enterprise, Missouri.
Q You don't know what became of Blythe during the war? A He went to Texas or somewhere south time of the war.
Q Did you know him after the war before he came to the Territory?
A Yes sir.
Q Did he live in Missouri any time after the war, if you know? A

Q You don't know where he lived? A No, he lived somewheres South.
BY MR. BLEDSOE:
Q You are not positive whether he owned this Abbie or not at that time? A No sir, I wont say that he owned them; it was my understanding that he and his wife did, but I don't know it.
Q Were they recognized Cherokee citizens at that time? A Well they were recognized Cherokees, but they was what we term citizens of the State at that time.
Q Do you know whether he was ever re-admitted or not, afterwards? A I understood he was; after the war he and his wife were re-admitted to the Cherokee Nation.
Q You don't know that of your own knowledge? A No sir.
Q What was the bestof your knowledge at that time, that they were citizens of the Cherokee Nation or citizens of Missouri? A Best of my knowledge as I understood they came to Missouri and bought out this farm, that property there and was doing business, and after the war broke, come up, Mr. Blythe himself went South I think with the army and whenhe come back he moved into the Indian Territory, and was re-admitted. That has been my understanding.
Q What was Mr. Blythe's wife's name? A Jemima Rogers.
Q Do you know a Mr. Tucker, there, Polly Tucker, did you know a Polly Tucker? A Not by that name, no sir.
Q Do you know what time Mr. Blythe went out of the Cherokee Nation; what time was it you saw him in Missouri, that you are speaking of now? A First?
Q Yes? A I couldn't tell you just what time, it was before '60 though.
Q You don't know whether he moved into the Territory then during the war or not? A No sir, I don't think he did; I think his family went to Neoshok Missouri in that giginity in time of the war and Mr. Blythe went South; he was in the army; that's my understanding, I don't know now though.
Q If Jemima Blythe states that they moved out of the Territory during the war she is mistaken? A Yes sir.
Q She says here, we all moved in just across from the line into Missouri; Abbie went along with us.? A She is mistaken or I am one, badly.
Q Well now we want that matter settled, because here is a woman that stands mighty fine character from what I understand, that states positively that they moved out after the war? A After the war?
Q Yes sir, during the war rather, and that they took Abbie along with them and Abbie was a slave, and thatis a very serious point for investigation if Abbie was a slave during the war when the war broke out, they were citizens of the Cherokee Nation? A I have nothing else to say; that's all I know about it.
Q You wont be positive she wasn't here? A In time of the war'
Q Yes? A She might have been here on a visit.
BY MR. DAVENPORT:
Q You know that they were living out there and Mr. Blythe was engaged in the mercantile business prior to the breaking out of the war? A Yes sir.
Q And he continued to live there until the war broke out? A He continued to live there until he was broke up during the war.
Commissioner Breckinridge: This will be filed as supplemental testimony in the case of Abbie Blythe, et al., Cherokee Freedman Doubtful case 257, and also in Cherokee Freedmen Doubtful cases 306, 217 and 367 and 368.

--**--

Abbie Blythe et al (sup'l) 3

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 9th, 1901.

Commissioner.

F. D. 306

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190...

Given under my hand this .....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., 190 .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

FILED
JAN 1 1902

Notary Public.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the

16 January 1902

.....

Agent.

1-12-1902.

NOTICE!

IN THE MATTER OF the application of Edmond Blythe for enrollment as Cherokee Freedmen:

Case No. F. D 306

To Edmond Blythe Spavinaw, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on January 27th, 1902 at 3 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 1-15-1902.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

FID 306

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 28 1902

File with C. F. D. 306, Edmond Blythe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 27, 1902.

In the matter of the application of Abbie Blythe et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION.

Appearances:
Louis T. Brown, agent for applicants and others;
W. W. Hastings, of attorneys for the Cherokee Nation.

ANNA H. DODSON, being sworn by Commissioner Needles testified as follows:

BY MR. HASTINGS:

Q What is your name? A Anna H. Dodson.
Q What is your citizenship, Mrs. Dodson? A I live in the Creek Nation, but I am a citizen of the United States.
Q You don't claim to be of Indian blood? A No sir.
Q Where did you live before the war? A At Elk Mills, in Donald County, Missouri.
Q That was right on the line wasn't it? A Yes sir, one-fourth of a mile from the Cherokee line.
Q Did you know Mrs. Jennie Blythe? A Yes sir.
Q Did you know her husband, Jim Blythe? A Yes sir.
Q Did you know them before the war? A Yes sir.
Q Did you know a colored woman they had by the name of Abbie? A No sir.
Q Where did you go during the war? A Well would you like to know everywhere I went.
Q No, generally; did you go to Missouri or Kansas? A I went to Missouri.
Q Were you married up there after the war? A I was married in Kent County, Maryland.
Q When did you return to the Cherokee Nation, to your old home, to Missouri I mean? A I returned to my old home in March, 1865.
Q Did you bring any colored person back with you? A No sir.
Q Did Abbie Blythe come back with you? A No sir.
Q How did you and your husband return? A We come in a wagon; we had two wagons, one with horses and one with oxen.
Q Did you return to your old home at Elk Mills? A Yes sir.
Q Right near the Cherokee line? A Yes sir.
Q Did you cross Grand river or what is known in the state as Cowskin river? A Yes sir.
Q About how far south of there did you go? A About a quarter of a mile.
Q And no colored woman came back with you? A No sir.
Q Did you ever see this Abbie Blythe to know her after the war? A No sir.
Q You had no children at that time? A No sir.

BY MR. BROWN:

Q What is your name, please? A Anna H. Dodson.
Q Did any colored person return with you? A No sir.
Q You don't know the applicant in this case at all? A No sir.
Q Was anybody else living in that neighborhood or in about it in the State of Missouri by the name of Dodson? A Not that I know of.
Q Might be some one there and you not know it? A Yes, there might be.

BY MR. HASTINGS:

Q Anyone living anyways near around you by that name except your own family? A No sir.

BY MR. BROWN:
How far at that time did your acquaintance with the neighborhood extend, as far as the line, or five or six miles? A Yes sir.
Q Well did it extend further than that? A I knew some persons in different parts of the county, but not generally.
Q There might have been some one in the neighborhood of 10 miles by the name of Dodson and you not know it? A Yes sir.

BY MR. HASTINGS: Let that be filed in D-206, D-217, D-367 and D-368.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this January 31, 1902.

Commissioner.

(COPY)

A.F.Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Abbie Blythe, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Abbie Blythe et al.,	Cherokee Freedmen D 257
Nancy Thompson,	Cherokee Freedmen D 217
Edmond Blythe	Cherokee Freedmen D 306
Alice Lynch, et al.,	Cherokee Freedmen D 367
Lucy Landrum, et al.,	Cherokee Freedmen D 368
Anna Henry,	Cherokee Freedmen D 1074.

D E C I S I O N .

THE RECORD HEREIN SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Abbie Blythe for herself and minor children, Minnie and Calis Blythe; by Jordan Thompson for, among others, his wife, Nancy Thompson; by Edmond Blythe for himself; by Alice Lynch for herself and minor children, Lovely Eaton, Early, Calvin and Eddie Lynch; by William Leonard Landrum for, among others, his wife, Lucy Landrum; and by Anna Henry for herself. The others included in the above applications having been differently classified their rights to Cherokee freedman citizenship will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Abbie Blythe, claims the right to Cherokee freedman citizenship by virtue of her compliance with the provisions of Article nine treaty of 1866, and that the other applicants herein claim the same right as her descendants.

The following points are fully established by the proof submitted:

(1) That the applicant, Abbie Blythe, was the slave of a Cherokee citizen at the commencement of the rebellion, and for several years prior thereto resided with her master in the state of Missouri; that during the war she was sold to a citizen of said state, named Lamance, and continuously lived therein till about the year 1875, when she, with her family, removed to the Cherokee Nation, and has since continuously resided therein.

(2) That said applicant, Abbie Blythe, is the mother of the applicants, Anna Henry, Alice Lynch, Edmond Blythe, Nancy Thompson, and Minnie and Calis Blythe, and that the applicant, Alice Lynch, is the mother of the applicants, Lucy Landrum, Lovely Eaton and Early, Calvin and Eddie Lynch, all of whom were born, in the order named, since the close of the rebellion. And that the father of the applicants, Early and Calvin Lynch (both of whom were born subsequent to the year 1890) was one William Lynch, now deceased, who, the records of this office show, is identified on the Cherokee authenticated tribal roll of 1880, and on the final Cherokee Freedman approved roll, opposite No. 1793.

(3) That, except as above noted, neither the applicants herein nor any discovered ancestor through whom by any possibility they might obtain rights to Cherokee freedman citizenship can be identified on the Cherokee authenticated tribal roll of 1880 or the Cherokee census roll of 1896.

The evidence further shows that the said Anna Henry and Alice Lynch were born in the state of Missouri of white paternity, and, in the absence of proof to the contrary, it will be presumed that their fathers were non-citizens of the Cherokee Nation.

It further appears that ample opportunity has been afforded the applicants Edmond Blythe and Nancy Thompson to establish their paternity, but that in this they have wholly failed, hence, it can not be presumed that they obtain any rights to Cherokee citizenship from that source.

It is further shown that the applicant, Abbie Blythe, testified that the father of her two children, Minnie and Calis Blythe, was one Calvin Hilderbrand, now deceased, but, after ample opportunity having been afforded, it is not established that the said Calvin Hilderbrand, deceased, was a Cherokee citizen. An examination of the Cherokee records in this office fails to disclose that this alleged ancestor was ever recognized by the Cherokee authorities as a citizen of the Cherokee Nation, consequently, it can not be presumed that the two applicants last above named obtain any rights to Cherokee citizenship through their father.

It also appears that on her first appearance before the Commission in this case, the applicant, Alice Lynch, testified that her oldest child, Lucy Landrum, nee Eaton, was the daughter of one Thomas Eaton, who, the records of this office show, is on the final Cherokee Freedman roll opposite No.1742, and that her oldest child living at home was named "Lovely Eaton". Enrollment card Freedman D 367, shows that the said Alice Lynch gave the name of Lovely Eaton's father as Thomas Eaton, and the record herein shows that in a birth affidavit executed by her on May 21, 1901, and filed with the Commission on August 31, 1901, she deposed that Tom Eaton was the father of her child, Love (Lovely) Eaton. And that on her last appearance herein she testified that the father of her said child, Lovely Eaton, was one Fred Martin, who, the records of this office show, is on the final Cherokee Freedmen roll opposite No. 4053. And that she further testified that the father of her child, Eddie Lynch, was the said William Lynch, deceased, above referred to.

The only proof herein relative to the paternity of the said Lucy Landrum and Lovely Eaton is the uncorroborated testimony of their mother, and which, as to Lovely Eaton, is contradicted by the information she gave the card clerk, and also by the birth affidavit executed and filed by her. The testimony of this applicant further shows that her two children last above named, are the fruits of an occasional illicit association with their fathers, whoever they may be.

As to the paternity of the applicant, Eddie Lynch: The record (birth affidavit) shows that he was born December 18, 1900. Also that on May 7, 1901, and February 21, 1903, the said William Lynch, since deceased, appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and testified that he was the former husband of the said Alice Lynch and that about 1897 or 1898 he was divorced from her; that four children were born to them, two of whom, at their separation, remained with their mother and two, Maria and Willie, went with him and for whom he made application for enrollment; and that since his divorce from Alice he married one Mary Teener by whom he had one child, who, a comparison of the record shows, is between one and two months younger than the said Eddie Lynch.

In view of the foregoing it is considered that the evidence in this case fails to satisfactorily establish the paternity of Lucy Landrum, Lovely Eaton and Eddie Lynch, hence the applications for their enrollment as descendants of their fathers come within the ruling of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1466-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Moses Ross (I.T.D. 6056-04), Jane Looney et al. (I.T.D. 64 0, 12[illegible]-04), Florence Bratcher (I.T.D. 12692-04), and Frankie Grimmett (I.T.D. 17902-1906).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Abbie Blythe, Minnie Blythe, Calis Blythe, Nancy Thompson, Edward Blythe, Alice Lynch, Lovely Eaton, Eddie Lynch, Lucy Landrum and Anna Henry, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied; and that, in accordance with the provisions of Section Twenty-one of the Act above noted, Early Lynch and Calvin Lynch, are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted.

(Signed) Tams Bixby,
Commissioner

Dated at Muskogee, Indian Territory,
this 28th day of June 1906.

40306

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Hamand Blythe,
Spavinaw, I. T.
Cherokee F-D-306.
Register.

(C O P Y)

Cherokee
F. D. 306

Muskogee, Indian Territory, September 12, 1905

Edmund Blythe,

Spavinaw, Indian Territory.

Dear Sir:

In connection with your application for enrollment as a Cherokee freedman, you are advised that before a final decision can be rendered in your case, it will be necessary that further testimony be introduced as to who your father, was, and whether or not he was a Cherokee freedman.

You are, therefore, hereby notified to appear before the Offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 28, 1905, and introduce the testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

(Signed) Wm. O. Beall
Acting Commissioner.

GHL
Register.

Cherokee
F D-306.

COPY.

Muskogee, Indian Territory, September 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In connection with the application for the enrollment as a Cherokee freedman of Edmund Blythe, you are advised that before a final decision can be rendered in this case, it will be necessary that further testimony be introduced as to what right, if any, the applicant possesses through his father.

The applicant, Edmund Blythe, has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 28, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

Wm O Beall
Acting Commissioner.

GHL

Cherokee
F D-306.

COPY.

Muskogee, Indian Territory, September 12, 1905.

I. P. Bledsoe,

Attorney for Edmund Blythe,

Choteau, Indian Territory.

Dear Sir:

In connection with the application for the enrollment as a Cherokee freedman of Edmund Blythe, you are advised that before a final decision can be rendered in this case, it will be necessary that further testimony be introduced as to who his father was, and whether or not he was a Cherokee freedman.

The applicant, Edmund Blythe, has this day been notified to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, September 28, 1905, and introduce the testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

Wm O Beall

Acting Commissioner.

GHL

(COPY)

Chaffee, I.T., Mar. 3-06.

To The Hon. Tames Bixby,

Commissioner of the Five Civilized Tribes.,

Muskogee, I. T.

Dear Sir:--

I wish to employee, Messrs Zeverly & Givens, of Muskogee, I. T., as associate attorneys in the case of my application for enrollment as a Cherokee Freedman, and I request that they be entered as such associate attorneys in my case.

Respectfully

his
Edmond X Blythe
mark
her
Minnie X Blythe
mark.

Witness:--

G. W. Spiller

Lillie Mayfield.

Choteau, I. T., March 10" 1906.

To Hon. Dawes Commission.

I wish to have the names of Messrs. Zevely & Givens as my associate attorneys in the cases of Abby Blythe, Edmond Blythe et al., Cherokee freedmen. Please have them so listed and oblige.

I. P. Bledsoe.

Cherokee freedmen
D 306.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Edmond Blythe,

Chaffee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting, among others, your application for enrollment as a Cherokee freedmen.

Your agent, I.P.Bledsoe, Chouteau, Indian Territory, and attorneys, Zevely and Givens, Muskogee, Indian Territory, have heretofore been furnished copies of the record of proceedings had in your case, and there have this day been forwarded to them copies of the Commissioner's decision.

The decision, together with the reford of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You willbe advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. M.A.28-10

Register

(SIGNED).

Tams Bixby.

Commissioner.

COPY.

Muskogee, Indian Territory, June 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated application of Abbie Blythe et al, including the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, rejecting the applications of Abbie, Minnie and Calis Blythe; Nancy Thomson; Edmond Blythe; Alice and Eddie Lynch; Lovely Eaton; Lucy Landrum and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen.

Respectfully,

Encl. M.A.28-19.

(SIGNED).

Tams Bixby.

Commissioner.

Cherokee Freedmen
D 257 et al.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Zevely and Givens,

Attorneys for Abbie Blythe et al,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the application for the enrollment of Abbie, Minnie and Calis Blythe; Nancy Thompson; Edmond Blythe; Alice Lynch; Lovely Eaton; Eddie Lynch; Lucy Landrum; and Anna Henry, and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informedof the same.

Respectfully, (SIGNED).

Tams Bixby.

Commissi

Encl. M.A.: 8-16.

Cherokee Freedmen
D 257 et al.

COPY.

Muskogee, Indian Territory, June 28, 1906.

Bell, Hastings and Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the application for the enrollment of Abbie, Minnie and Calis Blythe; Nancy Thompson; Edmond Blythe; Alice and Eddie Lynch; Lovely Eaton; Lucy Landrum and Anna Henry, and granting the application for the enrollment of Karly and Calvin Lynch, as Cherokee freedmen.

The decision, together with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. M.A.28-18

(SIGNED)

Tams Bixby

Commissioner.

COPY.

Cherokee Freedmen
D 257.

Muskogee, Indian Territory, June 28, 1906.

I. P. Bledsoe,

Agent for Abbie Blythe, et al,

Chouteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated June 24, 1906, rejecting the applications for the enrollment of Abbie, Minnie and Calis Blythe; Nancy Thompson; Edmond Blythe; Alice and Eddie Lynch; Lovely Eaton, and Anna Henry as Cherokee freedmen. You have heretofore been furnished a copy of the record of proceedings had in said case.

The decision, together with the record of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl. M.A.26-17.

(SIGNED)

Tams Bixby.

Commissioner.

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedman case of Abbie Blythe, et al, D. 287, et al. Service of a copy of this motion on Zevely, Givens and Smith, attorneys for applicants, Muskogee, Indian Territory, is shown. The records of this office fail to show that a motion for a rehearing of the freedman case of Abbie Blythe, et al, has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applicants embraced in said case was, together with the record of proceedings had in the case, forwarded to the Department on June 28, 1906.

Respectfully,

Encl. M.A.22-1.

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
56236-1906.
65644-1906.
73825-1906.

September 12, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a letter from the Commissioner to the Five Civilized Tribes, dated June 28, 1906, enclosing the record in the case of Abbie Blythe, et al., applicants for enrollment as Cherokee freedmen; also a motion for re-hearing filed in this Office on July 31, 1906, by McGowan, Servess & Mohun, Washington, attorneys for the applicants. On August 22, 1906, the Commissioner transmitted to this Office the reply on behalf of the Cherokee Nation, showing written acceptance of service on August 9, 1906, by Zevely, Givens & Smith, attorneys for the applicants.

The principal applicant in this case, Abbie Bly (or Blythe , made application for the enrollment of herself and two minor children, Minnie Bly, aged sixteen and Calis Bly, aged twelve, on May 11, 1901, at Vinita, at which time she introduced tesitmony in support of her contention. Supplemental testimony was submitted on May 15, 1901, on October 2, 1901, October 4, 1901, January 27, 1902, and September 28, 1905, The other applicants in this case, Nancy Thompson, Edmond Blythe, Alice Lynch, et al., Lucy Landrum, et al. and Anna Henry, are the

children and grandchildren of the principal applicant, whose rights to enrollment as Cherokee freedmen depend entirely on such rights as she may have, except in two instances mentioned in the decision.

Theevidence shows that Abbie Bly (or Blythe) was the slave of James Blythe, a Cherokee citizen, before and at the commencement of the Civil War. The testimony of Blythe himself is th t when the war broke out he was living in McDonald county, Missouri, and had been a resident of that State for about five years; that Abbie was his slave in Missouri, and that in the year 1862 or 1863 he sold her to one James Lamance, of Pineville, Missouri, that he next saw her after the war in the spring of 1866, when she came to him and again wanted to live in the family as in former days; that he saw her no more until sometime after he moved to Vinita in 1871, when she came to him to seek advice a. to the best place for her to locate.

The testimony of Abbie Blythe is very indefinite, contradictory and unsatisfacotry on the one material point in this case, viz: as to when she returned to the Cherokee N tion after the war. At one time she said she came in a wagon with a family named Dodson, from some place in Kansas, and denied that she had ever lived in Missouri; that they came back in the fall of 1866, and camped out on the Grand River. At another time she testified that she came back with a whitefamily but did ot know the name. The testimony of Mrs. Blythe

is clear on all points save that concerning Abbie's return to the Cherokee Nation, though somewhat in conflict with that of her husband, which is easily accounted for by reason of the great lapse of time intervening between the events and the hearing; but as to where Abbie Blythe was from 1865 to 1879 she knows nothing.

Captain Hicks, another of her witnesses, testified that he had known Abbie twenty-five or twenty-six years in the Cherokee Nation, but that he did not know where she was in 1866. It will be observed that he became acquainted with her in 1875 or 1876. The name of Abbie Bly (or Blythe) does not appear on the authentic roll of 1880, nor on the census roll of 1896, but does appear on the Kerns-Clifton Roll as Abbie Blye, No. 3897, Cooweescoowee District, while Minnie Blye is on the same roll as No. 3899 and Callus Blye appears as No. 3900.

The evidence shows that applicants Anna Henry and Alice Lunch were born in the State of Missouri, and the Commissioner found that both were of white paternity, and assumed that the fathers were non-citizens. It is alleged by Abbie Blythe that one Calvin Hilderbrand, deceased, was the father of Minnie and Calis Blyth, but there is no evidence that he was a citizen of the Cherokee Nation, even if it be assumed that he was in fact the father. There is no evidence showing who was the father of Edmond Blyth and Nancy Thompson.

The testimony in this case shows a very low state of morals, and about the only established fact is that Abbie Bly was a slave and is the mother of her children, Early Lynch and Calvin Lynch were proven to be the children of William Lynch former husband of Alice Lynch, from whom he was divorced in 1897 or 1898, and were duly enrolled as children of their father under Section 21 of the Act of June 28, 1898, (30 Stats. 495).

The motion for re-hearing is supported by five affidavits, which are presumed to be on the theory of newly discovered evidence, though no proper showing is made to establish that fact. Without entering into any discussion as to the showing necessary to justify a re-hearing, the Office calls attention to the fact that four of these affidavits signally fail to locate the principal applicant in the Cherokee Nation during 1866 or 1867, or at any other time. All they do is to locate her in Missouri at different times after the War.

The affidavit of Simon Lynch locates her in the Cherokee Nation, but even if his affidavit be true, it would seem that the exercise of any degree of diligence would have found him and produced him before the Commission during the five years this case was open.

The Office respectfully recommends that the motion for a re-hearing be denied, and that the decision of the Commissioner rejecting the enrollment of all the applicants except Early

Lynch and Calvin Lynch be affirmed; also that the enrollment of Early Lynch and Calvin Lynch be approved.

Very respectfully,

F. E. Lynch.

Commissioner.

EWB-LC..

D.C.54100 (COPY) J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.17918-1906.

December 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Indian Office on September 13, 1906 (Land 73828), transmitted your report dated June 28, 1906, forwarding the record in the matter of the consolidated applications of Abbie Blythe et al. for enrollment as Cherokee freedman.

On June 28, 1906, you rendered a decision rejecting the applications of Abbie, Minnie, and Calis Blythe, Nancy Thompson, Edmond Blythe, Alice and Eddie Lynch, Lovely Eaton, Lucy Landrum, and Anna Henry and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen.

There is also transmitted a motion for rehearing filed by the attorneys for the applicants and the reply of the nation to said motion.

The Indian Office recommends that the motion for rehearing be denied, and that your decision rejecting the applications for the enrollment of all the applicants except Early and Calvin Lynch be approved. A copy of its letter is inclosed.

The Department has considered the motion for rehearing in

connection with the record, and is convinced that no sufficient reason is shown for a further hearing of this case.

The motion for rehearing is accordin ly denied. Your decision, rejecting the applications of Abbie, Minnie and Calis Blythe, Nancy Thompson, Edmond Blythe, Alice and Eddie Lynch, Lovely Eaton, Lucy Landrum, and Anna Henry and granting the application for the enrollment of Early and Calvin Lynch as Cherokee freedmen, is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 5 to Ind. Of.

Cherokee F.
D. 306.

Muskogee, Indian Territory, December 17, 1906.

Edmond Blythe,

Chaffee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, rejecting your application for enrollment as a Cherokee freedman was approved by the Department December 8, 1906, and the motion for a rehearing of your case denied.

Respectfully,

H.J.C.

Commissioner.

Cherokee F.
D. 267 et al.

Muskogee, Indian Territory, December 17, 1906.

I. P. Bledsoe,

Chouteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Blythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and the motion for a rehearing of said case denied.

For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-12.
H.J.C.

Commissioner.

Cherokee F.
D 257 et al.

Muskogee, Indian Territory, December 17, 1906.

Zevely, Givens & Smith,

Attorneys for Abbie Blythe, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Blythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 5, 1906, and your motion for a rehearing of said case denied.

For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-11.
H J.C.

Commissioner.

Cherokee F.
D 287 et al.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, rejecting the applications for the enrollment of Abbie Blythe, et al., and granting the application for the enrollment of Early and Calvin Lynch, as Cherokee freedmen, was approved by the Department December 8, 1906, and the motion for a rehearing of said case denied.

For your information there is enclosed a copy of Departmental decision referred to.

Respectfully,

EnclH.J.-10.
H.J.C.

Commissioner.

Muskogee, Indian Territory, February 9, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed an "amended motion for rehearing" of the consolidated Cherokee freedmen cases of Abbie Blythe, et al. This motion was filed by Zevely, Givens & Smith, Muskogee, Indian Territory, and Starr & Patten, Vinita, Indian Territory, January 18, 1907. The reply of the Attorney for the Cherokee Nation filed January 26, 1907, is also enclosed.

The decision of the Commissioner to the Five Civilized Tribes dated June 26, 1906, rejecting the applications for the enrollment of all of the applicants embraced in the consolidated Cherokee freedman cases of Abbie Blythe et al. except Early and Calvin Lynch, was affirmed by the Department December 8, 1906 (I.T.D. 17918-1906). The Department also, on that date, denied a motion filed by Messrs. Zevely, Givens & Smith, for a rehearing of the case,

holding that it "has considered the motion for rehearing in connection with the record, and is convinced that no sufficient reason is shown for a further hearing of this case."

The evidence upon which this motion herewith enclosed is based seems to be merely cumulative; in fact it is supported by copies of a number of affidavits which the Attorney for the Cherokee Nation alleges are copies of affidavits filed in support of the motion for rehearing which the Department denied on December 8, 1906. There is nothing whatever to show that the motion is not made for the purpose of delay, or that with due diligence the evi ence now sought to be introduced could not have been secured when the case was heard before the Commission and the Commissioner. A re-examination of the records in the case convinces the Commissioner that there is no merit to the motion, and it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enal. B-94

Commissioner

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
107542-1906
15728-1907.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of December 8, 1906 (I.T.D.17918-1906), denying motion for re-hearing in the application of Abbie Blythe, et al., I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 9, 1907, enclosing amended motion for re-hearing in a consolidated case, which was filed with the Commissioner on January 18, 1907, by Zevely, Givens & Smith, of Muskogee, I. T., and Starr & Patten, of Vinita, I. T.

The reply of the attorney for the Cherokee Nation was filed January 26, 1907. The evidence on which the amended motion is based is merely cumulative. It is supported by copies of a number of affidavits which the attorney for the Cherokee nation alleges are copies of affidavits filed in support of the motion for re-hearing, which was denied on December 8, 1906. There is noting to show that this motion is not made for the purpose of delay, or that with due diligence the evidence now sought to be secured could not have been produced when the case was first

heard before the Commission and the Commissioner.

The original application was made on May 11, 1901, and no decision was rendered until June 28, 1906, a period of more than five years, and it was not until after an adverse decision was rendered that the applicants made any effort whatever to secure the testimony that they now allege they could introduce if the case is re-opened.

The Office is of the opinion that sufficient diligence has not been shown in this case to justify a re-opening, and it therefore concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

EWE--SD.

COPY

D.C.12322-1907. DEPARTMENT OF THE INTERIOR, J.FJr.

I.T.D.5554-1907. WASHINGTON. LLB

L.R.S.

Direct. March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The "amended motion for rehearing" of the consolidated Cherokee freedman cases of Abbie Blythe et al., received with your letter of February 9, 1907, and Indian Office letter of February 26, 1907 (Land 15728), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by section 2 of the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inc. and 8 to Ind. Of.

A. F. Mc

3-107.

Cherokee F
D 306.

Muskogee, Indian Territory, April 2, 1907.

Edmond Blythe,

Chaffee, Indian Territory.

Dear Sir:

You are hereby advised that the motion, filed by your attorneys, Zevely, Givens & Smith, of Muskogee, Indian Territory, and Starr & Patten, of Vinita, Indian Territory, for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 1, 1907.

Respectfully,

Acting Commissioner.

LMC

Cherokee F.
D 257

Muskogee, Indian Territory, April 2, 1907.

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Abbie Blythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.C-3
LRC

Cherokee F.
D 257. et al.

Muskogee, Indian Territory, April 2, 1907.

Zevely, Givens & Smith,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing of the Cherokee freedman enrollment case of Abbie Blythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

D. Rodgers,

Acting Commissioner.

Encl.C-4
LMC

Cherokee F.
D 257, et al.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing of the Cherokee freedman enrollment case of Abbie Blythe, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. C-5
L.C

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 4 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Finland, Okla.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Edward Blythe for enrollment as Freedmen of the Cherokee Nation.

J. J. Blythe
Agt for applicant

No. F. D. 301

Cher Fr R 860

Trans. from Cher Fr D 308

Cher Fr R 860

OF THE INT
RIOR AND OF THE UNITED STATES.
FILED
JAN 17 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Johnson Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by commissioner Breckinridge he testified as follows:

Q What is your name? A Johnson Downing.
Q Who is it you want to have put on the roll? A Just myself.
Q How old are you? A 25.
Q What is your post-office? A Catale.
Q In what district do you live? A Coowescoowee.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A I am supposed to be.
Q Are you on all the rolls? A No sir, I am on the Wallace roll Johnson Downing and on the Kerns roll it is Josh Downing, but they made a mistake.
Q Give me the name of your father? A Elias Downing.
Q Is your father dead? A No sir, he is out there.
Q Give me the name of your mother? A Phoebe.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I don't know sir.
Q Was your mother a Cherokee Freedman? A I don't know sir.
Q Does your father claim to be a Cherokee Freedman? A Yes sir.
Q Have you any sisters? A Yes sir.
Q How many? A Lizzie and Malonie and one named Jennie, she is dead.
Q Your father has married since your mother died? A Yes sir.
Q What is the name of his present wife? A Mary.
Q Mary E. Downing? A I suppose it is.
Q Your sister, Malonie, is she your full sister? A No sir.
Q She is a daughter by the last wife, and your half sister? A Yes sir.

Com'r Breckinridge: Reference is made here to the case of Elias Downing, Cherokee Freedman roll, D 245, to determine the status of the father of the applicant.

Q Where is your father now? A He is out there.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon, neither is the name of his father found thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: page 117 #2918 Josh Downing, Coowescoowee District.

Com'r to roll clerk: Who is he with? A He is with Mary Looney, a child, and Elizabeth Jones.
Com'r: Isn't he with Elias? A I don't see anything of Elias.

Q Who is Mary Looney? A My half sister.
Q She is your father's child by your step-mother? A Yes sir.
Q By his present wife? A Yes sir.
Q Who is Elizabeth? A That's my full sister.

ELIAS DOWNING, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Elias Downing.
Q How old are you? A I am about 58 years old I suppose.
Q What is your post-office? A Chelsea.
Q You apply for enrollment a few days ago? A Yes sir.
Com'r:

Kiseese in Cherokee Freedman, D 245.

ORIGINAL

Q Is this applicant here your son? A Yes sir.
Q Have you a son named Joshua? A No sir.
Q Who is that Joshua Downing intended foron the Kerns-Clifton roll in your family? A It must have been a mistake in taking the name when I give in Johnson's name.
Q This is the only one it could be for? A Yes sir.
Q Thisis all the son you have got? A Yes sir.
Q All the son you had at that time? A Yes sir.
Q So they just got it down Joshua instead of Johnson? A Yes sir, the mistake was made in that way.
Q Do you know a man named Joshua Martin? A Yes sir.
Q Does he live in your neighborhood? A Yes sir.
Q About how old a man is he? A He is about 26 years old.
Q What is the name of his wife? A Ella Martin.
Q How many children have they? A Three as well as I recollect.
Q Did youever hear that that Joshua Martin drew Strip money that belonged to your son? A Yes sir, I was right there when he drawed it, but it seemed like they had everything their way, and he drawed it.
Q He drew it under the name of Joshua Downing? A Yes sir.
Q They seemed to think that Joshua Downing was more like Joshua Martin that it was Johnson Downing? A I guess so.
Q What is the name of the father of this Joshua Martin who drew your son's Strip money? A George Bean is his father.
Q What is the name of his mother? A Sarah Ann Martin.
Q Is the father living? A No sir.
Q Is the mother living? A Yes sir.
Q What is the post-office of this Joshua Martin you are talking about? A Chelsea.
Q How far is it from White Oak? A About four miles.
Q Well, White Oak might be his post-office? A Well, that might be.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 110 #2340 Johnson Downing, Delaware District.

Q When did you marry your wife, Phoebe? A I married her I guess in '69, somewhere about that time.
Q Was she your first wife? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q Had she been a slave in the Cherokee Nation before the war?
A No sir, not my first wife, wasn't.
Q Phoebe had not been? A No sir.
Q Where did you marry her? A I married her in Texas.
Q How long after you married her was it before you came to the Cherokee nation? A Well, I came right after I married her.
Q Whereabouts in Texas was it you married Phoebe? A In Ellis Co.
Q You were a slave in the Cherokee Nation before the war? A Yes sir
Q And you were carried down to Texas during the war were you?
A Yes sir.
Q And you came back up on after your marriage, is that right?
A Yes sir.
Q Have you lived in the Cherokee Nation ever since you came back in 1869? A Yes sir, ever since I came back the last time, I married in 1869 and I come back right afterwards, and I have been living in the Nation ever since.
Q Were you in Texas from the time you were carried down there during the war until you married in 1869? A No sir, I come up here in '66, and then went back down there again.
Q How long did you stay up here when you came in '66? A Oh I staid a year or such a matter.
Q And then went back down into Texas? A Yes sir.
Q And staid there until you married? A Yes sir.
Q Where did you stay during the year you were up here, in '66?
A Staid with my father.
Q Is your father living? A No sir, he is dead.
Q Give me your father's name? A Reuben Downing.

ORIGINAL
DO NOT COPY

Q To whom did you belong in the Cherokee Nation at the time the war broke out? A Belonged to Eliza Wright.
Q Was she a Recognized Cherokee citizen? A Yes sir.
Q Who is living at this time that you lived with besides your father when you came here in '66? A I was around there at Frye's and Crap Lynch.
Q Are some people that are now living? A Andy Frye and Crap Lynch.
Q What time in '66 did you come back to the Cherokee Nation?
A Well, it was some time along in the summer or fall of '66 .
Q What time of the year were you married in? A I disremember what time I was married in.
Q Was it spring? A That is, my first wife.
Q I mean your first wife, Phoebe? A I disremember what time of the year it was.
Q Did you vote down in Texas? A No sir, I didn't vote there.
Q When did your wife, Phoebe die? A She has been dead about 21 years, or 22.
Q Died when this sonwas quite young? A Yes sir, he was a little bit of a thing.
Q Where did she die? A She died down here in Delaware District on Grand River.
Q Did she live with you in the Cherokee Nation until she died?
A Yes sir.
Q From the time of your marriage until she died? A Yes sir.
Q And this son, was he born in the Cherokee Nation? A Yes sir, he was born here.
Q What was the occasion of your going back to Texas? A I used to go back, I had to work around and make a living, and I used to return there to work.
Q Did you make crops down there? A Yes sir, I made one crop.
Q Did you make a crop in the Cherokee Nation when you came back as you state in '66? A I staid with my father, he was cropping there.
Q Did you go back to Texas to make your home down there? A No sir, I if I had I would have staid down there.
Q You came back to the Cherokee Nation in '66 to make your home?
A Yes sir, I was hunting my people.
Q But you didn't stay in the Cherokee Nation? A Well, I found them then I had other people back down there you know.
Q You had kin folks back in Texas? A Yes sir.

Tom'r Breckinridge: The applicant states that he has lived in the Cherokee Nation all his life; he is not identified on the roll of 1880 or on the roll of 1896, but he is identified on the Wallace roll and the Kerns-Clifton roll as a Cherokee Freedman; it appears that his mother was a Texas woman, and married to his father in the State of Texas in 1869, at which time the applicant's father brought her to the Cherokee Nation where she lived with her husband until her death, some twenty years or more ago, and that that marriage was the first marriage on the part of either the father or mother of the applicant; in regard to the father's status, through whom, under these conditions the applicant must derive his rights, reference is made to his case, the case of Elias Downing and others, Cherokee Freedman, D 245; reference is also made to Cherokee Freedman case D 244, the same being the case of Joshua Martin, Sr.; the latter reference is material only as affecting the rights of Joshua Martin, Sr.; as he is conclusively shown in this testimony to have been credited erroneously with the Kerns-Clifton enrollment of the present applicant; said Joshua Martin, Sr. being altogether another man and of another family; a copy of this testimony will be filed in his case and he will be notified of the apparent error in his accredited enrollment, and the fact of that notification will be entered on hiscard; it is also desired that a note be made upon the card D 245, Elias Downing, calling attention to his additional testimony in this case;

Johnson Downing 4

The applicant, Johnson Downing, will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the commission will be made known to him at his post-office address.

-------*******-------

M.D.Green, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 17, 1901.

C R Kwinnidge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
16 1901

Acting Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office Catale I. T.

District Cov.

1. Name Johnson Downing Age 25

Owner's name

Citizenship

Year R.C.R. Page 117 No. 2918 District Cov.

Parents:

Father Elias Downing - d. Citizenship Cov.

Mother Rhoda " - d. Citizenship "

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by No. 1 - Johnson Downing Stenographer Green.

~~Jody Downing~~

No. 1 on R. C. Roll as Jock Downing

+ Cov. II — 19 244

+ Cov. Fo 19 245

No. 1 Wallace R. p. 110. No. 2840 - Del. Dist

10

3D308.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 22 1901

Acting Chairman

To be filed in case of Johnson Downing, Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Elias Downing for the enrollment of himself, his wife Mary Ellen Downing, and his one child as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Elias Downing.
Q What is your age? A About sixty years old.
Q What is your post-office address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A My wife and one child.
Q What is your wife's name? A Mary Ellen Downing.
Q How old is she? A She is about 38 years old.
Q What is the name of your child? A Mary L. Downing.
Q How old is she? A She is about 18.
Q Do you apply to have your wife and child enrolled as Cherokee Freedmen? A Yes sir.
Q Have you ever applied to any other nation or tribe? A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A I have been recognized so far as voting.
Q Is your name on the roll of 1880? A No sir, I don't think it is.
Q How about your wife. What was your wife's father's name? A Jake Martin.
Q What was her mother's name? A Sarah Ann Martin.
Q Were you a slave, Mr. Downing, before the war? A Yes sir.
Q To whom did you belong? A At one time to Eliza Wright and after she died I belonged to Jim Bell.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A To Texas.
Q When did you return? A In 1866.
Q Have you lived here ever since? A No sir, I went out in '67
Q And then when did you return? A I guess I stayed out- I don't know exactly- I don't know exactly the year I returned; it must have been a year longer.
Q You have been living in the Cherokee Nation ever since you returned from Texas that time? A Yes sir.
Q Were you married during the war? A No sir, I wasn't married then.
Q Married since then? A I married since the war. I have been married twice.
Q How old were you the time you went to Texas during the war? A I suppose I must have been about 16 or 17 years old.
Q Do you recollect about how old you were when you returned?
A I must have been twenty years old when I returned.
Q You returned in '66 and remained one year and then went to Texas and remained a year and then returned? A Yes sir.
Q And have been living here ever since? A Yes sir.
Q You say you were a slave of whom? A Eliza Wright and Jim Bell.
Q Was your present wife the mother of your child, Mary L.? A Yes sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicants not identified thereon.

Q Did you draw Strip money? A No sir, nothing but the Wallace money.

The Wallace roll of the Cherokee Nation examined and the name of the applicant is found on page 110 No. 2339 Elias Downing, Delaware District.

2 R D

Q Did you draw Strip money for your wife?A Yes sir, wife and one child.
Q Is your wife living?A Yes sir, she is living.
Q Has she been living in the Cherokee Nation for the last twenty years?A Yes sir.
Q Continuously? A Yes sir.
Q Your child living? A Yes sir.
W. W. Hastings: Who did you go to Texas with? A I went with Sam Couch.
Q And you come back with Sam Couch?A No sir.
Q You didn't come back with him?A No sir.
Q You know M.W.Couch? A Yes sir.
Q Did you come back with him?A No sir, he come with--Pete come with Sam.
Q And you come back after they did? A I come back before the first time. When I come in '66, I come before they did.
Q Who did you come back with?A I come with a man that was driving cattle.
Q What was his name? A I don't know his name; I knew him it then, but I don't know itnow.
Q Just one man? A There was a dozen or so driving cattle.
Q Do you remember any of them? A No, I don't remember any of them now.
Q Where did you drive the cattle? A I drove them as far as Fort Gibson and I quit them there.
Q Then where did you go? A To my father's.
Q Where did he live?A East side of Grand river.
Q You know he was living there?A I know it; when I come back I knowed him there.
Q He didn't go to Texas? A No sir, he went North.
Q And you went South?A Yes sir.
Q Who did you see at Fort Gibson, you know? A I saw several there. I seen Wils Martin there.
Q Then you come up to where your father lives? A Yes sir, come to my father's.
Q How long did you stay there? A I stayed with him all that winter.
Q About what time in the year did you reach your father? A I come up in the fall.
Q Where was he livingat the time?A He had bought a place below Bob Daniels' place and was living there.
Q You weren't married then? A No sir, I wasn't married.
Q You went back to Texas then again in the spring? A In the fall.
Q Thatsame fall? A The fall of'67.
Q Did you go back to the samplace you come from? A Yes sir, went back to the same place, right in the same neighborhood.
Q How did you go back? A I went backhorseback.
Q You came up horseback? A Yes sir, when I came with those cattle I did.
Q Did you see Pete or M.W.Couch then? A Yes sir, I did.
Q Sam Couch? A Pete was here then; he started the next spring in '80.
Q That was the next spring after you come up here?A And went back; yes.
Q And Pete wasn't there when you gotback? A Yes sir, he was.
Q I thought you said he started up---? A I said Pete was there when I got there in '67 and in '68, Pete was there.
Q Did Couch marry some of your folks?A He married some of the Cherokee people; yes sir.
Q Was their family related in any way to the people to whom you belonged? A Yes sir; there is a man sitting over there, Mr.Bell, he can tell you about it as much as I can.
Q How long did you stay there then when you went back? A Probably a year longer.
Q Did you marry down there? A Yes, I married down there when I went back.

S E D

Q Who did you marry? A I married a woman that lived down there.
Q What was her name? A Phoebe.
Q Phoebe what? A Cobbins.
Q Did you have any children by her? A Yes sir.
Q What was the oldest one's name? A Jennie.
Q Where was she born? A She was born in Texas.
Q What was your next child? A Johnson.
Q Where was Johnson born? A He was born here.
Q How old is Jennie? A Oh, I don't know exactly how old she is.
Q To the best of your knowledge? A I never kept any close trace of her age.
Q Is she alive? A no sir, she is dead.
Q Where did she die? A She died over here on Pryor Creek in Cooweescoowee.
Q Did you bring your first wife here with you? A Yes sir.
Q Where did you come to when you come back here? A I come back to my father's.
Q Did he live near Island Ford? A Yes sir, in Delaware District.
Q Where have you been living since that time? A I lived in Delaware District a part of the time, and I been living in Cooweescoowee District about 22 years.
Q What part of Cooweescoowee? A Just above Chelsea about four miles
Q With that exception after you came back from Texas the last time you lived over here in Delaware in the neighborhood of your father? A Yes sir, in Delaware.
Commissioner: You been living continuously in the Cherokee Nation since 1880? A Yes sir, I have been living here continuously.
Q Did you draw money for your wife? A Yes sir.
W. W. Hastings: Did you apply for yourself before the Kerns Clifton Commission for your own personal enrollment? A Yes sir.
Q Are you sure you drew for Mary, your wife? A Yes sir, she drawed her money for herself and one child; she is here and can speak for herself.
Q Did she ever have any other name besides Martin and Downing? A No sir.
Q Was she married? to anybody else besides you? A Yes sir.
Q To whom? A To Jones. She is on the roll with Josh Downing.

The Kerns Clifton Roll examined and the names of the applicant and his wife not identified thereon.
The Kerns Clifton Roll examined and the name of the applicant's child is found on page 117, #2920, Mary Loney, Cooweescoowee District.

Elias Downing applies for the enrollment of himself, his wife, Mary E., and his child Mary L. His name is not found upon the authenticated roll of 1880, but is found upon the Wallace roll according to page and number of the roll as indicated in the testimony. He avers that his wife, Mary E. Downing, is the child of Jake and Sarah Ann Martin, and reference is made to the testimony taken in the application for enrollment of Sarah Ann Martin, on D card 239, which testimony will be made a part of the record in this case. The name of his child, Mary L., is found upon the Kerns Clifton roll. Consequently for the reason that the name of the applicant is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, said Elias Downing, his wife, Mary E., and his child, Mary L., will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card for further consideration of the Commission. When the Commission arrives at the conclusion in this case, applicant will be notified of the same by mail.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes the reof.

(signed) E.G.Rothenberger.

Subscribed and sworn to before me this 11th day of May, 1901.
(seal) (signed)M.D.Green, Notary Public.

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Supplemental D 245.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Elias Downing for ~~the~~ enrollment as a Cherokee Freedman.
Supplemental testimony.

Andy Frye, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name?A Andy Frye.
Q What is your age?A 66.
Q What is your post-office?A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q A Freedman? A Yes, sir.
Q Is your name on the roll of 1880?A Yes, sir, I expect it is on there.
Q Do you know Elias Downing? A Yes, sir.
Q How long have you known him? A Oh, I have known him ever since we were boys.
Q Was he a slave before the war?A Yes,sir.
Q Who did he belong to? A Belonged to Eliza Wright.
Q Do you know where he was in 1866? A He was down here on Grand river.
Q In the Cherokee Nation?A Yes, sir.
Q Did you see him there?A Yes, sir.
Q Have you seen him since that? A Yes, sir, I have seen him since that.
Q Has he always lived in the Cherokee Nation since that time?
A No, he left the Cherokee Nation and went back to Texas and stayed there awhile and came back again and he onliving here ever since.
By Mr. Hastings:
What time in '66 did you see him down there
A It was along in the fall of '66.
Q What makes you remember distinctly of seeing him among all those down there?A I seen lots of them, I don't remember him any more than anybody else, because he came to my house and I went to where he was.
Q You don't remember everybody you saw 35 years ago?A No, sir, I don't, but then a man that lives right at me, he lives right by me and I remember him.
Q How long do you remember seeing him that fall? A I was there, I don't recollect just how long I do remember seeing him, it seems like the whole winter and spring.
Q Do you know where he came from? A He said he came from Texas where they taken him before the war.
Q And he went back to Texas? A Yes, sir.

(5 E D)

Q And he married down there? A Yes, sir.
Q And had some children down there? A Had one I believe.
Q About how many years did he stay down in Texas to your recollection the second time? A I don't know, sir, about that, I never kept no count of the time, but I know, sir he was away a good while and came back again.
Q Do you know how long the applicant was gone out of the country? A Must have been a year, or maybe a little longer, might have been longer and might not have been, I never kept any count.
Q You don't know what year he came back then? A No, sir, I don't know what year he came back in, I don't recollect.
Q You remember he came back the first time in '66? A Yes, sir, because I hadn't been long in here myself.
Q And you can remember the year he first came but you can't remember the year the second time? A No, sir, I never kept any date.
Q Has he been living down there since he came back the second time? A He lived over there right by me for four or five years and then he lived over on Pryor Creek.

Allen Lynch, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your age? A 61.
Q Your post-office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q A Freedman? A Yes, sir.
Q Do you know Elias Downing? A Yes, sir.
Q How long have you known him? A I have known him forty or fifty years.
Q Was he a slave during the war? A Yes, sir.
Q Before the war? A Yes, sir.
Q To whom did he belong? A He first belonged to Eliza Wright and then he belonged to Jim Bell.
Q Did he go out of the Cherokee nation during the war? A Yes, sir
Q Where did he go? A Went south.
Q Do you know when he returned? A Yes, sir, I do.
Q When was that? A He came back here in the fall of '66.
Q How long did he stay here when he came back? A He stayed here till '67, along in the fall of '67.
Q Where did he go then? A Went back to Texas I reckon when he left here.
Q Do you know how long he stayed in Texas? A No, sir, I don't.
Q How long has he been living in the Cherokee Nation continuously to your knowledge? A Must be right near 18 or 20 years.
Mt Hastings: He came back here about 18 years ago from Texas?
A No, I don't know just when he came from Texas, but he came back and moved on the other side of the river and lived there four or fie years and then I bought that place and he moved on Pryor Creek; must have been 18 or 16 or 17 years now.
Q Since he came back from Texas? A Since I first seen him when he came back.
Q That is your best recollection? A Yes, sir, maybe longer than that; I bought the place he was living on.
Q you know he lived there four or five years after he came back? A Yes, sir.
Q And you lived in the same neighborhood? A Yes, sir, living there yet.
Q He married in Texas? A Yes, sir.
Q He had some children when he came up there? A He had one or two, I don't just remember.
Q Do you remember how old they were? A No, sir, I can't remember how large they were.
Q You know he was gone some time down in Texas when he went back after the war? A Yes, sir, I think he went out to, vitit, before he went off, I don't say what time he went.

6 E D)

Q Do you know who he came up here with when he first came?
A No, sir, the first time I saw him I saw him at his place.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Subscribed and sworn to before me this the 11th day of May, 1901.
(seal) (signed) M. D. Green, Notary Public.

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To be filed in case of Elias Downing, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 60 I guess.
Q What is your post-office address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A Sister.
Q Did you draw whatis known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117 #2906, Sarah Martin, Cooweescoowee Distrt The Kerns Clifton roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.

7 E D) 2 S.A.M.

Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come back with Aaron? A Yes sir.
W.W.Hastings: What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you? A Yes sir.
Q Did you remain down here after you come? A Yes sir.
Q You never went back to Kansas? A No sir.
Commissioner: Have you any witnesses here? A Yessir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Andy Frey.
Q How old are you? A 66.
Q What is your post-office? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.
Q When you returned from Kansas, she returned with you A Yes sir.
Q That was in 1866? A Yessir.
Q She has been living here ever since? A Yes sir.
W.W.Hastings: How many children come with her? A Well, I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she come? A Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 53.
Q What is your post-office address? A Vinita
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yessir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.

8 E D) 3 S.A.M.

W.W.Hastings: You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynch, Andy Frey; they all lived there.
Q How long after she come down? A It hadn't been very long the way I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.
Commissioner of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.
W.W.Hastings: Were you living with your hus and in Kansas? A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you come, did your husband come? A About a year.
Commissioner: Did you draw for Ocie? A No sir, I didn't draw for Ocie; his name got misplaced.
Q Where is Ocie? A He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Yerns-Clifton Pay roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother Aaron Martin, D 235, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E.C.Rothenberger.

Subscribed and sworn to before me this 13th day of July, 1901.

(signed) T.B.Needles, Commissioner.

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9 N D)

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Aaron Martin for the enrollment of himself and three children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Aaron Martin.
Q How old are you, Aaron? A I guess about 67 or 68.
Q What is your post-office address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I think there are three on the roll with their mother.
Q Has their mother been here? A Their mother is dead.
Q What are the names of the three children? A Frances Martin.
Q How old is Frances? A 13.
Q The next one? A Neely.
Q How old is Neely? A About 9.
Q The next one? A Phoebe.
Q About how old is Phoebe? A About 7.
Q What was the mother's name of these children? A Cora Adams.
Q Her name was Cora Adams before she married you? A Yes sir.
Q About how old would Cora be if she were alive? A I don't know sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't know, sir; it ought to be.
Q Have you ever applied to be enrolled by any other tribe or nation A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found there on. The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found there on.

Q Did you receive your money known as the Cherokee Strip money? A Yes sir.

The Kerns-Clifton roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 118 No. 2939, Aaron Martin, Delaware District.

Q Aaron, were you a slave before the war? A Yes sir.
Q Who did you belong to? A John Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q Did you ~~[illegible]~~ go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A To Kansas.
Q When did you return from Kansas after the war? A In '66.
Q Have you been living in the Cherokee Nation ever since 1866? A Yes sir.
Q Your name is not found on the roll of 1880, do you know the reason why? A No sir.
Q Did you ever apply to the Cherokee Council to have your name placed on the roll of 1880? A No sir, I didn't.
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Cap Hick, and Andrew Frey.
W. W. Hastings: Where did you come to when you come back? A I come to Dr. Thompson's place over there to Grand river.

Q Are you a blacksmith? A No sir.
Q Another Martin is a blacksmith? A Yes sir.
Q Who was living down there at the Thompson place when you come back? A Why Mr. Jesse Cockrun was living at Johnson Thompson's place when I got back.
Q How long did you live at that place? A I stayed there until along somtime about Christmas, I reckon; I went down to Cap Hick's mother then.
Q About what time did you come down to the Cherokee Nation after the war,- what time in '66? A It was some time in the fall.
Q You have lived there ever since? A Yes sir.

Andrew Frey, being sworn and examined by Commissioner T. B. Needles, on part of the applicant, testified as follows:
Q Is your name Andrew Frey? A Yes sir.
Q How old are you? A 66.
Q Whatis your post-office? A Vinita.
Q Are you a recognized citizenof the Cherokee Nation? A Yes sir.
Freedman? A Yes sir.
Q Do you know Aaron Martin? A Yes sir.
Q How long have you known him? A Why I don't know, sir, just exactly how long, ever since we were boys.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A He belonged to John Martin.
Q Do you know where Aaron Martin was in the year 1866? A Yes sir.
Q Where? A He was over here across the river part of the year 1866.
Q In the Cherokee Nation? A Yes sir.
Q Did he go out of the Cherokee Nation during the war? A Yes sir.
Q Where did he go? A He went to Fort Scott and from Fort Scott to Garnett, all around in there. He didn't stay atone place long.
Q Did he return? A Yes sir.
Q In what year? A In '66.
Q Are you any relation to him? A No sir.
Q Was he married at that time? A Yes sir.
Q Was his family with him? A Yes sir.
Q Did his family return with him? A Yes sir.
Were you a slave? A Yes sir.
Q To whom did you belong? A I belonged to Mary Clark.
Q Were you in Kansas with Aaron Martin? A Yes sir.
Did you return with him? A Yes sir.
Q Have you known Aaron Martin well since that time? A Yes sir.
Q Has he lived in the Cherokee Nation since? A Yes sir.
W.W.HASTINGS: You say he come backwith you? A Yes sir.
Q Who else come along? A There were lots of others, I don't recollect now who all came along; there was a big crowd of us.
Q Well, name me of the restof them? A Peter William.
Q Anybody else? A Tobe Schrimsher, Jake Martin's family,
Q Anybody else? A I don't know how else.
Q Thatis all you can remember? A Yes sir.
Q What time in the year did he come back? A He came back, we got back over to Mr. Thompson's place the 3rd of October, '66.
Q Any colored folks there when you got there? A No one at all.
Q You are positive about that, are you? A Yes sir, no one at all there.
Q That was in October, '66? A Yes sir.
Q Who got back there first, you or Judge Daniels'family? A Me.

Filmore Hicks being sworn and examined by Commissioner Needles on part of the applicant, testified as follows:
Q Whatis your name? A Filmore Hick.
Q What is your age? A 53.
Q What is your post-office address? A Vinita now.
Q Are you a citizen of the Cherokee Nation? A Yes sir.

11 R D) 3 A.M.

Q By blood? A Yes sir.
Q Do you know the applicant, Aaron Martin? A Yes sir.
Q How long have you known him? A I have known him about nearly forty years I reckon; I knew him before the war.
Q Was he a slave? A Yes sir, I suppose he was.
Q Who did he belong to? A John Martin.
Q Do you know whether he went out of the Cherokee Nation during the war? A Well, I suppose he was; he wasn't around in the neighborhood.
Q When did you first see Aaron Martin after the war? A Late in the fall of '66.
Q Where at? A At my mother's.
Q Have you known him since that? A Known him ever since.
Q Has he always lived in the Cherokee Nation since that? A Yes sir.
Q Did he have a family at that time? A Yes sir.
Q Was his family with him? A Yes, sir they were up at Dr. Thompson's place; he come to my mother's and wanted to rent some land.
Q He rented some land? A Yes sir.
Q Did he farm that land in the fall of '66? A No sir, in the fall of '67.
W.W. Hastings: Who farmed it in '76? A Young Wolf, my mother's husband.
Q Did you ever have a renter after you had this fellow? A No, we had some hired hand, not any renter.
Q How far did you live from the mouth of Cabin Creek? A We just lived across the river; I reckon it isn't over three-quarters of a mile.
Q Opposite the mouth? A Just below a little on the other side of the river.
Q Your mother had a farm there that year? A Yes sir.
Q Are you positive this man tilled land there in the year 1877? A Yes sir.
Q Do you know what he cultivated? A He put in corn.
Q About what size farm did your mother have that year? A About 20 or 25 acres.
Q You were at home then with her? A Yes sir.
Q What was your age then? A 17 or 18.
Q Did your mother have any other help besides you? A A boy older than I am and two younger than I am.
Q You never helped to cultivate the place that year? A Not much.
Commissioner: Did you draw money for Frances and Nealy? A Yes sir
of Applicant:

The Kerns Clifton roll, of the Freedmen of the Cherokee Nation examined and the names of the applicant's two older children are identified thereon as follows:
Page 23, #568 Frances Adams, Delaware District;
Page 23, #569 Nealey Adams, Delaware District.

Q Are their names Adams or Martin? A Martin is their name.
Q You didn't draw any money for Phoebe? A No sir, she was too young they said.
Q These children all alive and living with you at this time? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page 216, No.44, Cora Adam, Delaware District.

Aaron Martin applies for the enrollment of himself and three children, Frances, Nealy and Phoebe. His name is not found upon the authenticated roll of 1880, but is found upon the Kerns Clifton roll. By reason of the fact that his name is not found upon the roll of 1880, and his citizenship is contested by the Cherokee Nation, his name will be placed upon a doubtful

12E D) 4 A.M.

card. When the Commission arrives at a decision in his case, he will benotified by mail. He avers that his children, Frances Neely and Phoebe, are the childrenof Cora Adams, his wife, and the name of Cora Adams is found upon the authenticated roll of 1880, and Frances, and Neely are identified on the Kerns Clifton Pay roll. The name of Phoebe is not found upon any roll, having been born after the said rolls were compiled.
Q They are all duly identified and make satisfactory proof as to residence, consequently, Frances, Neely and Phoebe Martin will be duly listed for enrollment as Cherokee Freedmen. Their names appear upon the Kerns Clifton roll as Adams, but they are duly identified as the applicants. In order to complete the enrollment of Phoebe, it will be necessary for him to file with the Commission satisfactory proof of birth of said phoebe.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(signed) E.H. Rothenberger.

Subscribed and sworn to before me this 11th day of May, 1901.

(signed)M.D.Green, Notary Public

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that same is a true and complete copy of the original.

M D Green

Subscribed and sworn to before me this July 22, 1901.

Commissioner.

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F.D.308

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Johnson Downing for enrollment as a Cherokee Freedman:

Case No. F. D. 308

To Johnson Downing Catale I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on the following dates, to-wit: Oct. 2d A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901, 1901.

W. W. Hasting

J. S. Davenport

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Johnson Downing for enrollment as a Cherokee Freedman.

No. F. D. 308

Henry Pack, of lawful age, being duly sworn on oath states that on the 13 day of September, A. D., 1901, he registered to Johnson Downing whose postoffice is Catale Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at ~~Catale~~ Fort Gibson Indian Territory; and that on the 18 day of September, 1901, he received the return card which is hereto attached, signed by the said Johnson Downing, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 18 day of Sept A. D. 1901.

J. C. Starr
Notary Public.

I. O. Tobson, being first duly sworn, states that he stenographer to the nomination in the five Civilized Tribes he correctly recorded the testimony and proceedings in said case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 16th, 1909.

Commissioner.

C-40 308

File with case of Johnson Downing, C.F.-D.#308.

Supl.C.F.-D.#245.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elias Downing as a Cherokee Freedman, introduced on part of Cherokee Nation

APPEARANCES:
Mr. Isaacs, Attorney for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

M. M. COUCH, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A M. M. Couch.
Q What is your age, Mr. Couch? A 43.
Q What is your father's name? A Sam Couch.
Q What was your mother's name? A Nancy.
Q What was your mother's maiden name? A Adair.
Q Do you know this colored man here, Alias Downing? A Yes, sir.
Q Did he belong to some of your people? A Belonged to my mother.
Q Where did you go during the war? A Texas.
Q When did you return? A '68.
Q In the spring? A Yes, sir, we left there in the spring.
Q Where was Elias Downing when you left Texas? A We left Elias there.
Q Was he married? A I think he was, I would not say for sure, I think he was married.
Q Were you ever back to Texas after that? A Yes, sir.
Q How long? A Along in '74 or '5, I went back there to school.
Q Was Elias down there then? A Yes, sir, I seen him.
Q You say he was? A Yes, sir.
Q Near what place in Texas? A Close to Milford, near Waxahachie; Milford was out post office.
Q Are you positive as to whether he was married when you went back there? A I think he was, I won't be for sure.
Q Do you know when he left down there? A No, sir.

MR. ISAACS: What are your initials? A M. M. Cough.
Q When did you go to Texas? A We went before the beginning of the war.
Q Well, what year was it you saw the applicant down there? A He was there all the time during the war, up until '68.
Q Did you see him regularly? A Yes, he was up to '68, at the close of the war he was around.
Q What part of Texas were you in? A In Ellis County.
Q What were you doing? A Livingthere with my folks.
Q Is the applicant any relation to you as a slave? A He belonged to my mother.
Q How many slaves did your mother own, do you know? A There was Eliac, Aleck, and Roach, David Roach's children, Aleck and George.
A I think you stated a while ago that you went to Texas yourself?
A I went back after we moved here, I went back there to school; the children all went baem.
Q How old were you when you first went to Texas? A About three years old.
Q And you say you remember the number of slaves your mother had there threeyears old? A I didn't say I remembered the number of slaves then, I remembered them in '68 and when we was there a while.
Q How old are you now? A 43.
Q Do you remember the year in which you first went to Texas?
A No, sir.
Q And you went back sometime in the '70s? A Yes, sir.
Q Did you see Elias Downing down there? A Yes, sir.

Q And you were about three years old the first time you went down there, A When we moved there I was small.
Q How did you happen to recollect the fact that the applicant was down there? A I didn't say that I recollect when we went there; up in the '70s I went back.

COM'R NEEDLES: Now you were three years old when you went there?
A Yes, sir.
Q What year did you go. A We went at the beginning of the war, I don't recollect just what year it was we went there.
Q Along about '61? (No response.)
Q How old were you in 1868 then? A I was about ten years old.
Q Do you recollect this man distinctly? A Yes, sir, he was around teaming for us, was a driver all the time.
Q Did he live with the family continuously from the time your folks took him down there until 1868? A To the best of my recollection; he was an ox driver and one time I remember him being around was when they went to Mexico.
Q You left there in the spring of 1868? A yes, sir.
Q And went back in the spring of what year? A About '72 or '3.
Q Was this man Elias Downing there then? A Yes, sir.
Q Working for your people? A No, sir, he was there in the same neighborhood.
Q Your people didn't go back with you? A My people ~~left~~ lived here at the time, my mother lived here and my father's folks all lived there.
Q Your mother's folks come here in 1868? A Yes, sir we moved up here in 1868.
Q When you went back there in 1872 or '3 Elias was still there?
A Yes, sir.
Q Was he in town or out in the country A He was out in the country.
Q You saw him? A Yes, sir.
Q Recognized him? A Yes, sir.
Q You don't know whether he was ever in the Cherokee Nation in the meantime or not? A No , sir.
Q Do you know whetherhe w as in the Territory before 1868 or not?
A No, sir.

MR. ISAACS: Did you miss him out of Texas in '66 A No
Q Did you remember him; that i s, having seen him in '66?
A No, I would not be sure that I seen him there; they was freighting all the time and if he ever left I didn't know it. Of course they was gone over there to Mexico and back, it would take a good while to make the trip.
Q During the year '65 you were about five years old were you not?
A Yes, sir.
Q Do you remember anything about the applicant's age about '66?
A No, sir.
Q Was he married? A I wouldn't say for sure whether he was married or not. He was not married in '66.

MR. HASTINGS: You were born you say in 1858? A Yes, sir.
Q Well in '66 you would be eight years old wouldn't you, instead of five? (No response.)

COM'R NEEDLES: Is your mother living? A No, sir.
Q Father? A No, sir.
Q Have you any brothers or sisters older than you? A No, s r, I am the oldest child.

This testimony will be filed with the papers, and copy thereof will be filed with Freedmen doubtful cards #239, #246, and #308.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 14th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Lommer

In the matter of the application for the enrollment of Elias Downing, et al., as Cherokee Freedmen, consolidating the applications of

Elias Downing et al.,	Cherokee Freedmen D-245,
Elizabeth Jones, et al.,	Cherokee Freedmen D-246,
Johnson Downing,	Cherokee Freedmen D-308.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; by Elizabeth Jones for herself, and her two minor children, Flora and Rosether Jones; that subsequent to the date of the last-named application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arrilous Jones; by Johnson Downing for himself. A copy of the testimony of Sarah Ann Martin in Cherokee Freedmen D-239, and of Aaron Martin in Cherokee Freedmen D-235, taken at Vinita, Indian Territory, May 10, 1901, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Elias Downing was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation; that Mary E. Downing, wife of said Elias Downing, was born during the rebellion, and is the daughter of one Sarah A. Martin. The Commission have heretofore found, in the case of Sarah A. Martin, Cherokee Freedmen D-239, that she was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she removed to the State of Kansas, and returned to the Cherokee Nation within the time specified in the said decree of the Court of Claims, Supra.

The evidence herein shows that the applicant, Mary E. Downing, returned to the Cherokee Nation with her said mother; that Mary L. Downing was born since 1866 and is the daughter of the said Elias Downing and his wife, Mary E. Downing, and claims the right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866, and are the children of Elias Downing and Phoebe Downing and claim their right to enrollment through their father, the said Elias Downing,

their mother not possessing any rights as a Cherokee Freedman; that the applicants, Flora, Rosethor and Arrilous Jones are the minor children of the said Elizabeth Jones, and possess no rights to enrollment except through their said mother.

It further appears from the evidence herein that the said Mary E. Downing has lived continuously in the Cherokee Nation since her return thereto in 1866, and that the said Mary L. Downing has resided continuously therein since her birth.

It further appears that the names of none of the applicants herein appear upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that Mary E. Downing and Mary L. Downing should be enrolled as Cherokee freedmen and that the applications for the enrollment of Elias Downing, Elizabeth Jones, Flora Jones, Rosether Jones, Arrilous Jones and Johnson Downing as Cherokee freedmen should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
DEC 16 1904

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Lmm:R

In the matter of the application for the enrollment of Elias Downing, et al., as Cherokee Freedmen, consolidating the applications of

Elias Downing et al.,	Cherokee Freedmen D-245,
Elizabeth Jones, et al.,	Cherokee Freedmen D-246,
Johnson Downing,	Cherokee Freedmen D-308.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; by Elizabeth Jones for herself, and her two minor children, Flora and Rosether Jones; that subsequent to the date of the last-named application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Arrilous Jones; by Johnson Downing for himself. A copy of the testimony of Sarah Ann Martin in Cherokee Freedmen D-239, and of Aaron Martin in Cherokee Freedmen D-235, taken at Vinita, Indian Territory, May 10, 1901, are filed herewith and made a part of the record in this case.

The evidence in this case shows that Elias Downing was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation; that Mary E. Downing, wife of said Elias Downing, was born during the rebellion, and is the daughter of one Sarah A. Martin. The Commission have heretofore found, in the case of Sarah A. Martin, Cherokee Freedmen D-239, that she was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she removed to the State of Kansas, and returned to the Cherokee Nation within the time specified in the said decree of the Court of Claims, Supra.

The evidence herein shows that the applicant, Mary E. Downing, returned to the Cherokee Nation with her said mother; that Mary L. Downing was born since 1866 and is the daughter of the said Elias Downing and his wife, Mary E. Downing, and claims the right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866, and are the children of Elias Downing and Phoebe Downing and claim their right to enrollment through their father, the said Elias Downing.

their mother not possessing any rights as a Cherokee Freedman; that the applicants, Flora, Rosether and Arrilous Jones are the minor children of the said Elizabeth Jones, and possess no rights to enrollment except through their said mother.

It further appears from the evidence herein that the said Mary E. Downing has lived continuously in the Cherokee Nation since her return thereto in 1866, and that the said Mary L. Downing has resided continuously therein since her birth.

It further appears that the names of none of the applicants herein appear upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that Mary E. Downing and Mary L. Downing should be enrolled as Cherokee freedmen and that the applications for the enrollment of Elias Downing, Elizabeth Jones, Flora Jones, Rosether Jones, Arrilous Jones and Johnson Downing as Cherokee freedmen should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) [illegible]
Commissioner.

(SIGNED) [illegible]
Commissioner.

Muskogee, Indian Territory,
DEC [illegible] 1904

HD308

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Johnson Dow ing,
Catalo, I. T.
Cherokee F-D-308.
Register.

COPY.

Cherokee Freedman
D-245, et al.

Muskogee, Indian Territory, December 16, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing and rejecting the applications for the enrollment of Elias and Johnson Downing and Elizabeth, Flora, Rosether and Arrilous Jones, as Cherokee Freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Tams Bixby.
Chairman.

Encl. CG-85.

COPY.

Cherokee Freedman
D-245 et al.

Muskogee, Indian Territory, January 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Elias Downing et al., including the Commission's decision, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing, and rejecting the application for the enrollment of Elias and Johnson Downing; Elizabeth, Flora, Rosether, and Arrilous Jones, as Cherokee Freedmen.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-45.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-308.

Muskogee, Indian Territory, January 7, 1906.

Johnson Downing,

Catale, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated December 16, 1904, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED, Tams Bixby.
Chairman.

Encl. L-44.

Register.

Land.
2224-1905.
10111-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Elias Downing for himself, his wife, Mary E. Downing, and his minor child, Mary I. Downing; by Elizabeth Jones for herself and her three minor children, Flora, Rosetha and Arriloia Jones; and by Johnson Downing for himself.

December 16, 1904, the Commission decided favorably to Mary E. Downing and Mary I. Downing and adversely to all the others.

The record shows that Elias Downing was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that Mary E. Downing wife of Elias Downing was born during the rebellion and is the daughter of one Sarah A. Martin who was the slave of a Cherokee citizen at the beginning of the war; that during the war she went out of the Cherokee Nation and returned to said Nation prior to February 11, 1867, and that her child Mary E. Downing, returned with her; that Mary I. Downing was born since 1866 and is the daughter of Elias Downing and

POOR ORIGINAL -
BEST AVAILABLE COPY

his wife, Mary E. Downing and claims right to enrollment through her said mother; that Elizabeth Jones and Johnson Downing were born since 1866 and are the children of Elias Downing and Phoebe Downing and claim their right th enrollment through their father the said Elias Downing, their mother possessing no rights to enrollment; that the applicants, Flora, Rosother and Arrilous Jones are minor children of Elizabeth Jones and possess no rights to enrollment except through their mother. It further appears that Mary E. Downing and Mary L. Downing have lived continuously in the Cherokee Nation since 1866 and since birth respectively.

None of the names of the applicants are found on the 1880 authenticated Cherokee Roll.

There is also enclosed a motion by Ellis and Bulger, attorneys for the applicants that the decision of the Commission be reversed which has received due consideration.

In view of the record the approval of the Commission's decision favorable to Mary E. Downing and Mary L. Downing and adverse to all the other applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

COPY

Land,
97397-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

December 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of November 21, 1905, I.T.D. 2686, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes, dated December 2, 1905, saying that the name of Sarah A. Martin appears upon a partial roll of Cherokee freedmen approved by the Department November 16, 1904, at No. 3738.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

2 Enc.

COPY

Y.P.
FHK

D. C. 10945-1906.
I.T.D. 2686-1905.
17856- "
8523- "
8345- "

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 19, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

March 16, 1905, the Indian Office (Land 2224-05), submitted the Cherokee freedman case of Elias Downing, for himself, his wife, Mary E. Downing, and his minor child, Mary L. Downing; of Elizabeth Jones for herself and her three minor children, Flora, Rosether and Arrilous Jones; and of Johnson Downing for himself, and recommended that the decision of the Commission to the Five Civilized Tribes in favor of Mary E. Downing and Mary L. Downing, and adverse to the other claimants, be affirmed.

November 21, 1905, you were advised of the filing of a motion for "review" by the claimants. In the motion it is also requested, if the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing, the attorneys making the motion apparently overlooking the fact that the decision of the Commission was in favor of two of the applicants.

In support of the motion certain affidavits are filed which merely go to show that Elias Downing, through whom the rejected applicants claim, was in the Indian Territory late in the fall

of 1866. It is claimed by Elias Downing that he came to the Cherokee nation from Texas in 1866, and was there part of 1867, but the testimony is very unsatisfactory on that point. He admits, however, that he returned to Texas in 1866, where he married and remained for some length of time. The testimony for the nation shows that he was there as late as 1873 or 1874.

The Department does not feel warranted in ordering a rehearing upon the showing made; however, on January 15, 1906, it having before it two motions for review in the case filed by the same attorneys, of which you were informed on that date, said attorneys were advised that they would be allowed time to file motions for rehearings in this and numerous other Cherokee freedmen cases.

The motions are all denied, and the decision of the Commission to the Five Civilized Tribes as to Mary E. Downing and Mary L. Downing is affirmed.

In view of contemplated legislation the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing. The attorneys have been advised hereof.

A copy of the Indian Office letter of March 16, 1905, is inclosed, and also a copy of its letter of December 20, 1905, submitting your letter of December 2, 1905, relative to Sarah A. Martin.

Respectfully,

Through the Commissioner
of Indian Affairs.
2 inclosures.

Thos. Ryan
First Assistant Secretary.

Cherokee Freedman
D 245.

Muskogee, Indian Territory, August 24, 1906.

Starr and Patten,

Attorneys for Elias Downing, et al,

Vinita, Indian Territory.

Gentlemen:

Referring to your letters of July 20 and August 2, 1906, you are advised that affidavits transmitted by you of Elias Downing and Nelson Moore to be filed in support of a motion for a rehearing in the Cherokee freedman case of Elias Downing, et al, have been received. Receipt is also acknowledged of your letter of August 3, requesting that early attention be given the motion filed by you in said case, and asking that with the transmittal of your motion to the Department, this office advise whether or not the name of the father of Elias Downing is identified upon the Cherokee authenticated roll of 1880.

You are advised that your motion, together with the affidavits in support thereof, has this day been forwarded to the Department for consideration and action thereupon.

The name of Reuben Downing, father of Elias Downing, is identified upon the Cherokee authenticated roll of 1880, and the Department has been advised thereof.

Respectfully,

M.A.

Acting Commissioner.

Muskogee, Indian Territory, August 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On March 19, 1906 (I.T.D.2686,17856,8523,8345-1905), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing, and rejecting the application for the enrollment of Elias Downing, Elizabeth, Flora, Rosether and Arrilous Jones and Johnson Downing, as Cherokee freedmen, insofar as the same was favorable to said Mary E. and Mary L. Downing, and advised "in view of contemplated legislation, the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing."

The Department, on November 21, 1905 (I.T.D.2686-1905), advised that there had been filed a motion for a review of the case of Elias Downing, et al, and in its letter of March 19, 1906, the Department states that in said motion it is requested that "if the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing." The Department also states

that certain affidavits are filed in support of said motion "which merely go to show that Elias Downing, through whom the rejected applicants claim, was in the Indian Territory late in the fall of 1866. It is claimed by Elias Downing that he came to the Cherokee Nation from Texas in 1866, and was there part of 1867, but the testimony is very unsatisfactory on that point. He admits, howe er, that he returned to Texas in 1866, where he married and remained for some length of time. The testimony for the nation shows that he was there as late as 1873 or 1874." The Department further states that it does not feel warranted in ordering the rehearing upon the showing made, and that on January 15, 1905, "it having before it two motions for review in the case filed by the same attorneys, of which you were informed on that date, said attorneys were advised that they would be allowed time to file motions for rehearings in this and numerous other Cherokee freedmen cases." All of said motions were denied by the Department.

On June 25, 1906, there was filed with this office by Starr and Patten, attorneys for applicants, a motion for a rehearing of said case insofar as the decision of the Commission is adverse to the applicants. There are filed in suppert of this motion, affidavits by the applicant, Elias Downing, Jennie Downing and Zeb Downing. There was received from said attorneys with their letter of July 20, a separate affidavit by the applicant, Elias Downing, which they requested

be filed in support of the said motion, and with their letter of August 2, said attorneys transmitted an additional affidavit by Nelson Moore, which they also requested to be filed in support of said motion.

Said attorneys in their letter to this office of August 3, referring to Departmental letter of June 5, 1906, (I.T.D. 6249-1906), alleged to have been addressed to the applicant, Elias Downing, at Chelsea, Indian Territory, quote as follows: "You now allege that your father's name appears upon the 1880 Cherokee Roll. It no where appears in the record in the case that this is true. The Commissioner to the Five Civilized Tribes will inform you, upon proper application, if his name appears upon that roll . . . You should therefore take prompt action if you desire a rehearing in your case".

The attorneys request that with the transmittal to the Department of the motion, this office advise whetheror not the name of Reuben Downing, father of said applicant Elias Downing, is identified upon the Cherokee authenticated roll of 1880.

The Cherokee Nation protests against a rehearing being granted in this case, and its protest, the motion for a rehearing, and the affidavits above referred to, are enclosed herewith.

There is nothing to show that the evidence now sought to be introduced is newly discovered or that with due

Secretary--4.

diligence it could not have been secured when the case was heard before the Commission. The statements contained in the motion and affidavits attached, when considered in connection with the original record in the case, fail to show that the motion is of merit and is not made for the purpose of delay.

In view of the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), relative to the return to the Cherokee Nation of Cherokee freedmen, it is respectfully recommended that the motion be denied.

The name of Reuben Downing, alleged father of Elias Downing, is identified upon the authenticated roll of 1880, page 243, No. 696, Delaware District, as an adopted colored citizen, aged 65 years, marked "dead."

Respectfully,

Encl. M.A.24-4.

Acting Commissioner.

(COPY)

JWJr.

D.C.2219-1907
I.T.D.2686-1905
17856- "
19656-1906
LRS

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

January 7, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 4, 1906 (Land 75169), the Indian Office transmitted your report dated August 24, 1906, in the matter of a motion for rehearing in the Cherokee freedman enrollment case of Elias Downing et al.

The Cherokee Nation protests against a rehearing being granted in this case.

You consider that the motion is without merit and recommend that it be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The Department has considered the motion for rehearing in connection with the record in the case. The evidence now sought to be introduced could apparently, by diligence, have been secured when the case was originally heard. It is not considered that sufficient reason is shown for a further hearing in the case, and said motion is hereby denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

I inc. and 11 to Ind Of.

(COPY)

Land
74169-1906

DEPARTMENT OF THE INTERIOR,

Office Of Indian Affairs,

WASHINGTON.

October 4, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 19, 1906, I.T.D. 8345-1905, granting the application for the enrollment of Mary E. and Mary L. Downing and rejecting the application for the enrollment of Elias Downing, Elizabeth, Flora, Rosether, and Arrilous Jones, and Johnson Downing, as Cherokee freedmen, there is enclosed a report from the Acting Commissioner to the Five Civilized Tribes relative to the subject.

The Department informed the Commissioner that

> in view of contemplated legislation the case as to the other claimants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing.

The Acting Commissioner says that on November 21, 1905, the Department advised the Commissioner that there had been filed a motion for a review of the case of Elias Downing, et al, and that in Department letter of March 19 last it is said that:

> If the Department finds the testimony insufficient to warrant the enrollment of the applicants, that the case be remanded for rehearing.

The Acting Commissioner reports that on June 25, 1906, there was filed in the office of the Commissioner by Starr & Patten, attorneys for the applicants, a motion for rehearing in the case so far as the decision of the Commission is adverse to the applicants; that there was filed in support of this motion affidavits by Elias, Jennie and Zeb Downing; that there was received from the attorneys on July 20, a separate affidavit made by Elias Downing which they requested be filed in support of the motion; and that their letter of August 2, the attorneys transmitted an additional affidavit by Nelson Moore which they also requested be filed in support of the motion.

These attorneys refer to Department letter of June 5, 1906, alleged to have been addressed to Elias Downing, and quote therefrom as follows:

> You now allege that your father's name appears on the 1880 Cherokee roll. It no where appears in the record in the case that this is true. The Commissioner to the Five Civilized Tribes will inform you, upon proper application, if his name appears upon that roll . . . . You should therefore take prompt action if you desire a rehearing in your case.

The Cherokee Nation protests against a rehearing being granted and the Acting Commissioner concludes his report by saying that the name of Reuben Downing, alleged father of Elias Downing, is identified on the authenticated roll of 1880, page 243, Delaware District, as an adopted colored citizen, age 65 years, marked "dead."

There is nothing in the papers enclosed which shows or has any tendency to show that the newly discovered evidence sought to be introduced could not, by due diligence, have been secured when the case was heard before the Commission, and it does not seem to have merit and it is probably made for the purpose and with the intention of delaying the finaly determination of the case. The denial of the motion is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

Cherokee
F D 308.

Muskogee, Indian Territory, January 29, 1907.

Johnson Downing,

Catale, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys, Starr & Patten, on June 26, 1906, for a rehearing in your Cherokee freedman enrollment case, was, on January 7, 1907, denied by the Secretary of the Interior.

Respectfully,

GHL

Commissioner.

Muskogee, Indian Territory, January 29, 1907

DIRECT.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of January 7, 1907 (I.T.D. 2686-17856-1905, 19656-1906), acknowledging receipt of its report of August 24, 1906, transmitting a motion for rehearing in the Cherokee freedmen enrollment case of Elias Downing, et al., and denying said motion.

The decision of the Commission to the Five Civilized Tribes dated December 16, 1904, granting the application for the enrollment of Mary E. and Mary L. Downing as Cherokee freedmen, and rejecting the applications of Elias Downing and Elizabeth, Flora, Rosether and Arrilous Jones and Johnson Downing, as Cherokee freedmen, was affirmed by the Department, March 19, 1906 (I.T.D. 8523, 8345-1905), insofar as it enrolled Mary E. and Mary L. Downing. The Department in its letter of March 19, 1906, stated that

certain motions for review and rehearing had been filed ; that " the motions are all denied ," and that "in view of contemplated legislation the case as to the other applicants will be held a reasonable length of time to allow said attorneys to file a proper motion for rehearing."

The motion transmitted by the Commissioner August 24, 1906, applies to all of the applicants in the case to whom the Commission's decision was adverse.

Although the Department makes no reference in its letter of January 7, 1907, as to whether it approves the Commission's decision adverse to said applicants, it is believed, in view of the Department's action in denying the motion transmitted August 24, 1906, to approve said decision.

In order that the case may be properly disposed of, it is respectfully recommended that the Department further consider the case and advise the Commissioner of action thereon as early as practicable.

Respectfully,

L u B

Commissioner

(C O P Y)

D.C.9320-1907. J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.2168-1907. February 14, 1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The receipt is acknowledged of your communication of January 29, 1907, requesting certain information in regard to departmental action dated January 7, 1907, in the matter of a motion for rehearing in the Cherokee freedman case of Elias Downing et al.

You are informed that departmental letter of January 7, 1907, was intended to deny all applicants in the Cherokee freedman case of Elias Downing et al., except Mary E. and Mary L. Downing, heretofore enrolled.

You are now advised that your decision adverse to the applications of Elias Downing, Elizabeth, Flora, Rosetha, and Arrilous Jones, and Johnson Downing for enrollment as Cherokee freedmen is hereby affirmed.

Carbon copy hereof has been sent to the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. to Ind. Of.

A.F.Mc.
2-15-07

Cherokee
D 245 et al.

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, denying the applications for the enrollment of Elias Downing, et al. as Cherokee freedmen was affirmed by the Secretary of the Interior, February 14, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-8.
HJC

Commissioner.

Cherokee
D 245 et al.

Muskogee, Indian Territory, March 4, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 16, 1904, denying the applications for the enrollment of Elias Downing, et al, as Cherokee freedmen was affirmed by the Secretary of the Interior, February 14, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-8.
HJC

Commissioner.

Cherokee F
D 308

COPY

Muskogee, Indian Territory, March 5, 1907.

Johnson Downing.

Catale, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated December 16, 1907, denying the application for your enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior, February 14, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-7.
HJC

SIGNED Tams Bixby
Commissioner.

Cher Fr R 861

Trans. from Cher Fr D 317

Cher Fr R 861

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 16th, 1901.

In the matter of the application of Charles Martin for the enrollment of himself, four children and one grand-child as Cherokee Freedmen, and for the enrollment of his wife as a Cherokee Freedman by inter-karriage; He being sworn by Commissioner C. H. Breckinridge, testified as follows:

Q What is your name? A Charles Martin
Q For whom do you apply for enrollment? A Myself and my children and a grand-child
Q Have you a wife? A Yes sir
Q Do you apply for her? A No sir, she is a state woman? No
Q. You can apply for her also. How many children have you? A Four
Q Then you apply for yourself, wir wife, four children and a grand child? A Yes sir
Q How old are you? A 55 or 6
Q What is your post office? A Chelsea
Q In what district do you live? A Cooweescoowee
Q How long have you lived in the Cherokee Nation? A Ever since I been here--all my life
Q You claim to have lived here all your life, do you? A Yes sir, except during the war
Q Are you a recognized citizen of the Cherokee Nation? A I dont know I am a citizen, dont know if I am recognized or not
Q Give me the name of your father? A Charles
Q Is he dead? A Yes sir
Q Has he been dead ever since the war? A No sir he died since the war--he died here.
Q About how long ago? A In the 70's some time
Q Give me the name of your mother? A Mary Martin
Q Is she dead? A Yes sir
Q How long has she been dead? A She dies in the 70's some time
Q Who was your master before the war? A Price Martin
Q Was he a Cherokee citizen? A Yes sir
Q Is he dead? A Yes sir
Q Did you belong to him when the war broke out? A I belonged to him widow when the war broke out
Q Give me her name? A Sarah Martin
Q Give me your wife's name? A Eliza
Q How old is she? A 48
Q Give me her father's name? A I dont know it
Q Give me her mother's name? A Gillie Collins
Q Is Gillie Collins alive? A No sir she is dead
Q How long has she been dead? A I don't know
Q Does your wife make any claim to Cherokee citizenship of her own right? A No sir just as my wife
Q Where did you marry her? A In Texas
Q When did you marry her? A I have been married about 27 or 8 years.
Q How long after you married did you come to the Cherokee Nation? A I was working on this railroad over there when I married
Q Did you leave her in Texas or bring her up here? A I left her there a while and then brought her here.
Q How long has she been living in the Cherokee Nation? A For 1 or 19 years.
Q Before that was she mostly in Texas? A Yes sir, I and her was

working on the railroad, that was inside of the Territory, I had her along with me, I had a tie camp

Were you ever married except to this wife? A No sir

Was she ever married except to you? A Yes sir

How many times? A Once

Was that husband dead when she married you? A Yes sir

What was his name? A Ned Watson, was his name

Did she marry him in Texas? A Yes sir

Did he die in Texas? A Yes sir

How long had he been dead when you married your wife? A Two years they said, I never saw him

Now give me the names of your children? A Edna Martin

How old? A 18 years

Next child? A James

How old? A 16

The next child? A Joe

How old? A 13

The next child? A Jennie

How old? A 10, and then I have a grand-child

What is the name of your grand-child? A Pearl Martin

How old is Pearl Martin? A 9 years old

Is this child a boy or girl? A A boy

Is this boy a child of your daughter? A Yes sir, of Mary

Was her name Martin when she died? A Yes sir

Was she ever married? A No sir

Where was your daughter, Mary born? A In Texas

When did she die? A Here

How old was she when she died? A She died in '95

How old was she then- or how old would she be now if she were living? A She would be about 25 years old now

When did she come to the Cherokee Nation? A I brought her when I come

Where was Edna born? A Edna was born on the railroad

In what country? A In the Chickasaw Nation in Fogey Depot

Where were the others born? A In theCherokee Nation where I am living now

How did you lived in Texas up to the time Mary was born? A No sir I was living on the railroad

When did you first come to the Cherokee Nation after the war? A I come here in 1[illegible].

Where did you come to? A On the forks of Gabbin at Charles Hallum's old place

What time in 1[illegible]? A I was long in the spring

Who can you prove that by? A Al Lynch

How long did you live in the Cherokee Nation when you come here in 1[illegible]? A I staid here until long in '73 or '4, I guess

Where did you go then? A I went to work i[illegible] railroad in the Indian Nation

And while working on the railroad you went into Texas? A Yes sir when the railroad got to Red river I went into Texas

And there married? A Yes sir

How long did you work on the railroad? A From here down into Texas

I asked you how long you worked there, not where you worked? A I dont remember exactly

Was it one year or two years? A I worked there longer than that, it was 3, 4 or 5 years

What did you do then? A I come home

What kind of work did you follow when you quit the railroad? A Farming.

Q In the Cherokee Nation? A Yes sir
Q Have you been farming here ever since? A Yes sir
Q You were in the Cherokee Nation then in 1880? A Yes sir

The 1880 Authenticated roll of 1880 of the Cherokee Nation examined and the name of the applicants not found thereon.

NOTE by Commissioner Breckinridge:
A Mary Martin is found on the roll of 1880 with General Blunt Martin and others, but the applicant says they are the children of his brother's family; and this Mary Martin is not found on the roll of 1880.

The 1896 census roll of the Cherokee Nation examined and the applicants not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir
Q Did you draw for your children also? A Yes sir

The Kern-Clifton roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows
Page 138, No. 3419, Charles Martin, Cooweescoowee district
Page 138, No. 3422, Edna Martin " "
Page 138, No. 3423, Jim Martin, " "
Page 138, No. 3424, Joe Martin, " "
Page 138, No. 3425, Jennie Martin " "

The name of the applicant's wife not found on the Kern-s Clifton roll.

Q Is there any Pearl in this family besides this grand child?
A No sir, this is the only one.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant's grand child identified thereon as follows:
Page 138, No. 3420, Pearl Martin, Cooweescoowee district (Child of Charles).

Q You have no daughter named Pearl? A No sir
Q You have a grand daughter named Pearl? A No sir
Q You have just applied for a grand daughter named Pearl? A No sir for a grand son
Q Do you think this Pearl enrolled with you on that roll must have been identified for your grand son Pearl for whom you are applying now? A Yes sir

NOTE by Commissioner Breckinridge:
"This child is identified on the applicants family."

The Dalace roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:
Page 124, No. 2603, Charles Martin, Cooweescoowee district.
Page 124, No. 2606, Edna Martin, Cooweescoowee.

By Cherokee Representative, Gale Starr:

Q With whom did you return in '66 from Texas? A I never went to Texas
Q When you went south during the war, who did you come back with?
A I

A I never went south.
Q Where had you been? A To Kansas.
Q Who did you come back to the Cherokee Nation with from Kansas? A
A With Tom Waity, my uncle
Q How long did you stay on the Landrum place? A Three or four weeks
Where did you go to from there? A To my uncle's, Simon Lynche's
How long did you stay there? A Three weeks
Q Where did you go then? A To my old home place where I was raised on Blue Rider's.
How long did you stay on your old home place? A I didn't get there I started there and heard of all the old folks that I knowed was gone and so I comed back
Q Where did you go to when you started to your old home place?
A To Captain Jackson's and went to work
How long did you work there for Captain Jackson's? A Something over a year, moved that mill from Fort Gibson to Chouteau and sawed lumber till the railroad came and then I went to work there
Q Did you ever work for Simpson Bennett? A Yes sir

[illegible] called and sworn by [illegible] Breckinridge as a witness on the part of the applicant, testified as follows:

What is your name? A Allen Lynch
How old are you? A 61
Q What is your post office address? A Vinita
How long have you lived in the Cherokee Nation? A All my life
Where were you during the war? A I was in the army
When the war closed, where did you settle? A On Grand river
How far from here? A 10 or 15 miles
Right in the river bottom? A Yes sir; when I first came back I come to the east side of Grand river, and in the next spring I came to a little creek over here and staid until June and then went to Cabbin Creek
Q When did you come to Cabbin creek? A In 186[illegible]
Q What part of Cabbin creek? A Close to Lewis Nell's place
Is that near the mouth of Cabbin creek? A No sir near the mouth of Mustang creek which runs in to the Cabbin
How far from the mouth of Cabbin? A 5 or 6 miles
What does Cabbin empty into? A Grand river
How long did you stay there? A Until October of 186[illegible] A Yes sir
Where did you go then? A In Six Mile bottom of Grand river? A Yes sir
How long did you stay there? A A month and then moved on the other side of the river
Did you settle in the Grand river bottom? A Yes sir
On the east side? A Yes sir
How long did you stay there? A Until 187[illegible] or 7[illegible] I reckon
Q Where did you go then? A I went to Allen Thompson's Mill
Is that on Grand river? A On Grusley
Q On the east side of Grand river? A Yes sir
Q How long did you stay there? A All that summer
Q That brought you up to the last of 187[illegible]? A Yes sir
When you went up on Cabbin creek, how far were you from what are called "the forks of Cabbin Creek?" A Cabbin creek--the forks of Cabbin Creek--there is Little Cabbin and Big Cabbin which forks down here a ways; Little Cabbin empties into Big Cabbin, are them the forks.
Well how far were you from what is called as Cabbin Forks? A Five or six miles

Q You were not living on Cabbin Forks, then? A No sir, I was living on the Forks of Cabbin and Mustang Creek.
Q But you were not living on what is known as Cabbin Forks? A No sir.
Q How far is Cabbin Forks from this place here? A Well the place where Little Cabbin empties into Big Cabbin is about three miles from here, or so.
Q How far from where you lived on Cabbin? A 7 or 8 miles
Q Do you know the applicant here? A Yes sir
Q Charles Martin? A Yes sir
Q How long have you known him? A Ever since we were boys
Q To whom did he belong at the time of the war? A Sarah Martin
Q Was she a Cherokee citizen? A Yes sir
Q He was a slave in the Cherokee Nation after the war broke out? A Yes sir
Q When did you first see him after the war closed? A At Lewis Roe's on Cannin Creek
Q In what year was that? A In '66
Q Where had he come from? A I don't know
Q But he was up there? A Yes sir, when I went there he was there
Q How far was that from your place? A Four and a half or five miles
Q Below you? A Yes sir, Lewis Roe was living on the old Landrum place on the old Military Road
Q And below you? A Yes sir
Q How far below you? A 4 or 5 miles
Q Was this man living there? A No sir, just stopping there
Q Who do you know of him from then until now? A I never saw him from then until he was working on that railroad
Q What was he doing on the railroad? A He told me he was making ties. I have seen him here ever since the Wallace Mill on Pryor Creek.

By Dale Starr:

Q How long did he stay at Lewis Roe's? A I don't know
Q What time of the year was it that you saw him there? A It was in October or September
Q Are you positive that it was in the year 1866? A I know it was in 1866

By the Commission:

Q Do you know this man's wife? A No sir
Q Have you ever seen her? A Yes sir I have seen her, I am not acquainted with her though
Q You dont know her name? A No sir
Q Would you know it if you heard it? A I dont know if I would or not
Q Did he ever tell you where he had married? A No sir
Q Have you ever seen his children? A Yes sir I have seen them, I have seen his wife too, but cannot call her name
Q Is her name Eliza? A I cannot tell you to be positive
Q Have you ever heard of his marrying more than once? A No sir

MOSE HARDRICK, called and sworn by Commissioner T. M. Breckinridge, as a witness, testified as follows on the part of the applicant:

Q What is your name? A Mose Hardrick
Q How old are you? A 71
Q What is your post office? A Chelsea
Q How long have you lived in the Cherokee Nation? A All my life, until now
Q Do you know this applicant, Charles Martin? A Yes sir

Q Do you know his wife? A Yes sir
Q What is her name? A Eliza
Q How long have theybeen married as far as you know? A I cannot tell you
Q How long have you known her as his wife? A 10 or 12 years as near as I can come at it
Q They have got some children, and a lot of them? A Yes sir
Q Some of them are grown men and women? A Yes sir
Q Do they all pass for the children of this man and woman? A Yes sir
Q How long have you known this man? A Ever since he was a baby
Q Did you ever hear of his marrying before? A No sir
Q Did you ever hear of her being married before? A No sir have only known her as his wife
Q Are they living together now? A Yes sir they were when I left hime
Q When was that? A That was last Monday

By Com'r Breckinridge:

The applicant applies for the enrollment of himself, his wife and four children, and one grand child; he is identified on the Wallace and Kern-Clifton rolls but not on the roll of 1880 or the census roll of 1896; it appears that he was in the Cherokee Nation when the 1880 roll was made and that he was a slave in the Cherokee Nation and of a Cherokee citizen at the time of the breaking out of the Civil war, He seems to have married in the state of Texas.

By Commissioner of applicant:

Q How many of your children were born in Texas besides Mary? A One

(Judgment continued)

where his deceased daughter Mary was born, and he worked for some years on a railroad plying through the Indian Territory and into the state of Texas.

By Commissioner of applicant:

Q You worked on the [illegible] railway? A Yes sir

(Judgment continued)

The applicant will be listed for enrollment as a Cherokee Freed man on a doubtful card for the further consideration of his testimony, and attention is called particularly to the testimony given by Allen Lynch and by the applicant in regard to the applicant's identification in 1880; without tracing the matter at this time there may be cosiderable variation in the locations specified by the applicant and by Lynch. The applicant states that he was carried to Kansas during the war; It is shown by satisfactory personal testimony that the applicant and his wife were married some 27 years ago; they were married in the state of Texas; his wife is not identified on any roll, and the applicant was never previously married; he states that his wife was married once before her marriage to him, but that her former husband was dead at the time she married him; she will now be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card for the further consideration of her case. Of the four children named in the testimony, Ada, James, Joe, and Jennie Martin, all children of this marriage and minors, they are living at this time; the oldest of this four children, is identified on the Kern-Clifton and Wallace rolls; the three younger children are identified

on the Kerns-Clifton roll, and they will now all be listed for enrollment as Cherokee Freedmen on a doubtful card. The grandchild, Pearl Martin, is a child of the applicant's deceased daughter Mary; the mother of this child was never married; the child is identified on the Kerns-Clifton roll with the applicant's family; it is there given as a girl and as 18 years of age, but as respects sex and age, it is evidence that this statement was made by clerical error as this is shown to be the only child of that name in this family, and this child is a boy. Pearl Martin will now be listed for enrollment as a Cherokee Freedman on a doubtful card. When the final decision of the Commission with reference to all of the persons now applied for will be made known to the applicant at his postoffice address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above ause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) CHAS. von WEISE.

Subscribed and sworn to before me this the 20th day of May, 1901, at Vinita, I. T.

T. B. NEEDLES,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, upon oath states, that the above and foregoing is a true and correct copy of the original testimony in the matter of the application of Charles Martin, et al., as Cherokee Freedmen, taken at Vinita, Indian Territory, on May 16th, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this 12 day of December, 1904.

J. B. Campbell
Notary Public.

B

L317

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
16 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16 1901

Post Office Chelsea I. T.

District Cov

1. Name Charles Martin Age 39.

Owner's name Sofia Martin Citizenship Cherokee

Year K.C.Roll Page 138 No. 3419 District Cov

Parents:

Father Charles Martin d. Citizenship Col.

Mother Mary d. Citizenship "

2. Name of wife Eliza Martin Age 48

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship Col.

Mother Gilly Collins d. Citizenship Col.

Names of Children:

		Year	Page	No.	Dist.	
3.	~~Ella Martin~~					
4.	Edna Martin	K.C.R.	138	3422	Cov.	18
5.	James "	"	"	3423	"	16
6.	Lizzie "	"	"	3424	"	13
7.	Minnie "	"	"	3425	"	10
8.	Pearl "	"	"	3426	"	9
9.						
10						
11.						
12.						

Application made by No. 1 Charley Martin Stenographer von Weise

No. 1 on K.C.R. as Charles Martin.
" " " Wallace p. 124 No. 2403 Charles Martin Cov.

No. 5 on on K.C.Roll as Jim Martin
No. 4 " Wallace p. 124 No. 2606 — Cov. Dist.

Ia

T. D. 317

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

by delivering a true copy thereof on the ..... day of ..... A. D. 1901.

Given under my hand this ..... day ..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of ..... , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A.D. 1901

Subscribed and sworn to before me this ..... day of ..... A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Charles Martin for enrollment as a Cherokee Freedman:

Case No. F. D. ~~313~~ 317

To Charles Martin Chelsea I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on the following dates, to-wit: Oct. 4th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of , 1901.

L B Bell
W W Hasting
J. S. Davenport
Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Charles Martain for enrollment as a Cherokee Freedman.

No. F. D. 317

Henry Pack, of lawful age, being duly sworn on oath states that on the 13 day of September, A. D., 1901, he registered to Charles Martain whose postoffice is Chelsea Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Charles Martain, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

J C Clark
Notary Public.

E 710317

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October,4,1901.

SUPPLEMENTAL TESTIMONY in the case of Charles Martin et al.,C.F.D.344

Appearances:
W. W. Hastings, attorney for the Cherokee Nation.
L. T. Brown, agent, for the applicants.

W. R. LINDSEY, being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation.

(By Hastings)
Q What is your name? A R. W. Lindsey.
Q What is your age, Mr. Lindsey? A 69.
Q What is your post office address? A Chouteau
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By adoption? A Yes sir.
Q Did you live in the Cherokee Nation before the war? A Yes sir.
Q You married one of Colonel Joel Bryant's daughters? A Yes sir.
Q When did you return to the Cherokee Nation after the war? A Landed here on the 15th day of December 1867.
Q Do you know a colored man named Charles Martin, did you know him before the war? A Yes sir.
Q Who did he belong to? A Sarah Martin.
Q Have you ever seen him since the war? A Yes sir.
Q When did you see him after the war for the first time? A In the latter part of August '71.
Q Where? A At Chouteau.
Q What was he doing there then? A He was with the Construction train laying the track and tied .
Q On what road? A This road, the M. K. & T.
Q Did you recognize him when you saw him? A Yes sir.
Q Did you have any talk with him then? A Yes sir.
Q Just tell the Commission, Mr. Lindsey, what the conversation was with reference to his return? A I had a general talk with him about how he was getting along, where he had been and the like; I asked him about others of his kin folks and acquaintances that I knew and he said he had been continuously with the Construction train from some point way up in Kansas, I don't know that he said where, and that he had been with them a long time; and I asked him if he had never made him a home in the Cherokee Nation and he he said he never had; and I asked him how he was getting along and he said he was getting along all right, that he had been working all the time and was making some money and saving some money and not spending any.
Q What became of him then? A He was back and forth with this train, I saw him several times in passing while they were at work there.
Q That was while this road was being built was it? A Yes sir, I saw him passing there after that but had no other conversations with him, I would speak to him in passing but that is all.
Q Did he say what point in Kansas he had come from? A I don't remember what point, I don't know that he said.
Q Do you know William H. Jackson, known as Captain Jackson? A Yes sir.
Q Do you know when he moved a saw mill up in that part of the countr y A Yes sir.
Q When?A '71
Q About the same time the road was built there? A Yes sir, they made Chouteau a terminus for about a month while they were building and afterwards they moved it to Gibson when they built on, and it was right after that that Captain Jackson put a saw mill on the crossing of Pryor's Creek.
(By L. T. Brown)
Q You say you asked him if he had ever made a home in the Cherok e Nation? A Yes sir.

Q Did you ask him where he was in '66? A No sir.
Q Have you continued to see him since '71? A No sir.
Q How long did you see him there that time? A Oh a few times.
Q Through how long a period of time? A Only a little while, week or two, maybe, from the when I first saw him , and I have not seen him since.
Q You say you saw a man named Jackson who was running a saw mill down there? A No sir, I didn't say he was running a saw mill.
Q What was he doing? A He was a farmer and cattle raiser.
Q Didn't he run a saw mill at one time? A Yes, but I never said he was, I said he had a saw mill there.
Q The first time you [redacted] saw this applicant in the Cherokee Nation after the war was the only time you ever saw him? A Yes sir.
Q He never said during that conversation that he had never been in the Cherokee Nation before '71 did he? A No, he said that he had been with the Construction train from some point way up in Kansas.
Q When you asked him if he had never made him a home in the Cherokees Nation you meant if he had made a farm didn't you? A I asked him the question- - Yes, if he had come back to the Cherokee Nation and settled on a place.
Q You say you knew this man at the beginning of the war? A Yes sir.
Q Who was his owner? A Sarah Martin.
Q Was she a Cherokee citizen? A Yes sir.
(By the Commission)
Q Was he married or single when you saw him there? A Single

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This will be filed in Cherokee Freedmen cases D.344 and D.729.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

Subscribed and sworn to before me this 5th of October, 1901.

Commissioner.

X 7W 317

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.
C FILED
OCT 11 1901

ACTING CHAIRMAN.

Supl.C.F.-D.#317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Charles Martin as a Cherokee freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. L. T. Brown, Agent for Applicant;
Mr. W. W. Hastings, of counsel for Cherokee Nation:

R. K. ADAIR, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. HASTINGS: What is your name? A R. K. Adair.
Q What is your post office? A Chelsea.
Q What is your age? A 46.
Q How long have you lived at Chelsea? A Well, that has been my post office since '82.
Q You know the applicant here, Charles Martin? A Yes, sir.
Q How long have you known him? A I have known him about 16 or 17 years.
Q where did you first meet him? A I first met him on Pryor Creek at my place above Chelsea.
Q Was his family with him at that time? A Yes, sir.
Q You say his family was with him? A His family was there in the neighborhood, wasn't with him at the time I met him.
Q You say you met him on Pryor Creek near your place? A He came to my place the first time I ever saw him that I recollect of.
Q What year you think that was? A Best of my recollection it was in '85.
Q Do you know where he came from? A He said he come from Texas there, he had been to Texas with his family, and I think it was in January or February, I am not positibe about the date, but somewhere along there.
Q Did you see his family when they moved in? A Yes, sir.
Q How did they come? A They come on the train to Vinita. Got off at Catale.
Q Were you on the train with them? A Yes, sir, I was on the same train.
Q They said they come from Texas? A Yes, sir, I didn't talk to the family at the time but he told me afterwards that they come from Texas.
Q You hadnever seen his family before? A No.
Q That is the first you had seen of them out in your section of the country? A Yes, sir. Well, it was some little time, I don't know just how long, after his family got off there at Catale that he came up to my house himself; asked me if I didn't know him and I told him that I didn't know that I ~~may~~ had ever seen him and he said I ought to know him.

MR. BROWN: Where did you take the train at Mr. Adair, when you met him on the train? A I never met him on the train at all.
Q Now, didn't I understand you to say that you were on the same train with him? A With his family.
Q Where did you board the train at? A Here at Vinita.
Q And went from here to Catale? A Yes, sir.
Q In his conversation with you did he state how long he had been in Texas? A Yes.
Q What did he say? A I asked him why he hadn't come back sooner and he said that he had been back here before and left this country when the M. K. & T. went through, that he followed out there working on the grade or something of that kind.
Q He told you in that same conversation that he had been here before and left this country about the time the M. K. & T. Railroad came through? A Yes, sir.

Q You spoke something about his saying you ought to know him?
A Yes, sir.
Q Did he tell you why you ought to know him? A He didn't tell me why.
Q Didn't he go on and tell you who he was? A Well, told me who he was, but I don't remember him.
Q You don't know where he was in 1866? A No, sir.
Q Don't know where he was except that he had been to Texas and he also told you in that same conversation that he had been up in this country in 1873 when the M. K. & T. went through?
A He said he was up there, didn't say when he come, but said he went off working for that railroad or something to that effect.
MR. HASTINGS: Do you know when this M. K. & T. railroad was built through here? A Built in '71 I think.
Q This was about 1884 or '5? A '85 to the best of my recollection
Q You never saw him here in '71? A No, sir.
Q That was just his statement for that? A Just his statement.
Q Didn't tell you where he was married? A Said he was married in Texas.
Q Did he have some children along with him? A Yes, sir.
Q About how many do you think? A I think he had about three when he moved in t here, I think he had four, one of them was a step-son.

LEMUEL PARRIS, being duly sworn by Commissioner Needles, testified as follows: On Part of Cherokee Nation:
MR. HASTINGS: What is your name? A Lemuel Parris.
Q What is your age, Mr. Parris? A 52 .
Q What is your post office? A Catale.
Q How far is Catale from Chelsea? A About five miles.
Q Do you know this applicant here, Charles Martin, around here?
A Yes, sir.
Q When was the first time you ever saw him? A Well, it was in '84 or '5, I won't be positive which year it was in.
Q Where were you living at the time? A About one mile from Catale.
Q How far does he live from you now? A About four mile I suppose.
Q Had you been living there before that? A Yes, sir.
Q He come in there at that time A Yes, sir.
Q You know where he come from? A Only he told me, he told me he was from Texas.
Q Did he have a family? A Yes, sir.
Q Wife? A Yes, sir.
Q Did he have some children? A Yes, sir
Q About how many? A I don't know how many he had, I wasn't at his house at that time, until some time after that.
Q How long had you been living in that neighborhood before that?
A About five years.
Q Do you know how his family come? A Said he come on the train.
Q What year was that? A I didn't see them get off of the train.
MR. BROWN: Did they say what he had been doing down in Texas?
A He didn't at that time, I don't remember about him saying, I only had a short talk with him at that time.
Q Did you say that was about '84 or '5? A About '84 or '5.
Q Well, had you known anything of him prior to that time?
A No, sir.
Q First time you had ever seen him? A First time I had ever seen him to know him.
Q Was he been living in the neighborhood of Catlae ever since you saw him in '84 or '5? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q Was he a farm there? A Yes, sir.
Q All you know about him is that you met him for the first time in '84 or '5 and that he told you he come here from Texas?
A Yes, sir.

MR. HASTINGS: You know his family came at that time?
Q I saw his family at another house down there, I didn't see his family the first time and he said-
Q you know when new comers come into your neighborhood don't you?
A Well, that was the first time I saw him.

Com'r Needles: This testimony will be filed in Freedmen doubtful cases #317, #844, and #729.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 9th, 1901.

Commissioner.

F. D. 317

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190...

Given under my hand this .....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of ....., 190...

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

I, hereby accept service of the within Instrument on this the

21 day of Oct, 190 1

Louis V Brown

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Charles Martin,
for enrollment as Cherokee Freedmen:
Case No. F. D 317
To Charles Martin or to L. T. Crow, his Atty.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita,
Indian Territory, on Oct. 16th, 1907, at 9 o'clock a. m. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 11th, 1907.

L B Bell

Jas. S. Davenport

Attorneys for the Cherokee Nation.

F. D. 317

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190...

Given under my hand this ....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 2 day of Apr, 1902

Louis Brown

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as Cherokee Freedmen:

Case No. F. D [illegible]

To [illegible]:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on [illegible] **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

L B Bell

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

File with C. F. D-317.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 25, 1902.

In the matter of the application of Charles Martin et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-317.

Applicants represented by Lewis T. Brown.
Cherokee Nation represented by J. S. Davenport.

WILLIAM DRAKE, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William Drake.
Q Where do you live, Mr. Drake? A Lawrence, Kansas, Douglas County.
Q How long have you lived in Lawrence, Kansas? A About 34 or 35 years.
Q When did you first move to Lawrence, Kansas? A I came to Lawrence, Kansas, in '66 or '67.
Q After you moved to Lawrence, Kansas, did you get acquainted with a colored man by the name of Charles Martin? A Yes, sir.
Q How long after you moved to Lawrence, Kansas, was it before you got acquainted with him, or about how long? A I think it was that year that I come in, whichever year it was.
Q Do you know whether or not he had a family at that time? A I don't know whether he had a family or not.
Q Was there anything peculiar about him that makes you remember him? A Yes, sir.
Q What was that? A He had one hand off.
Q Did you ever work with Charles Martin on any works or anything, Mr. Drake? A Yes, sir.
Q What kind of works? A I worked with him on the railroad up there in Lawrence.
Q How long did you stay with or near Charles Martin after you got acquainted with him until he left that country? A Well, I don't know; I seen him around more or less for as much as three years after I got acquainted with him.
Q Well did he and you ever work—you say he worked on the railroad with you? A We worked on the railroad up there together, and I worked down in the southeast part of Missouri with him.
Q That was after you had worked with him up in Kansas? A In Kansas, yes, sir.
Q Now did you go to Lawrence, Kansas, before or after the close of the war? A After the close of the war.
Q And you knew him there for a while, and then worked with him in Kansas on the railroad, and then went down to southeast Missouri and worked with him there in what kind of work? A Was getting out ties there.
Q Now then where, if you know, did Charley Martin go after he left you up there? A I don't know where he did go to.
Q Have you ever seen him since? A No, sir, I have never seen him since.
Q As I understand you, from the time you got acquainted with him at Lawrence, Kansas, up till the time he left you down in Missouri where you was getting out ties it had been three or four years or something like that? A Yes, sir, from the time I first got acquainted with him.
MR. BROWN: For what railroad company were you working when you were working in southeast Missouri? A We wasn't really working for a railroad; but we worked for contractors getting out ties.

Q To be used in constructing what railroad? A I don't know what railroad it was, I don't know.
Q When you were working on the railroad in and near Lawrence, Kansas, on what road were you working? A Working on the U. P. Railroad then.
Q In what year did you go to Lawrence? A '66 or '67.
Q You are not positive which year it was? A No, sir.
Q Now are you positive as to when it was that you saw this man Charles Martin? A After I went to Lawrence you mean?
Q You don't know how long you had been there until you met him do you? A No, it hadn't been a great while though; hadn't been a great while till I met him.
Q In what time of the year did you go there? A I went there in March.
Q You wouldn't be willing to swear that Charley Martin wasn't in the Cherokee Nation in the fall of '66, would you? A Well, he might have been there, but I don't know; I know I got acquainted with him in Lawrence after I came there in '66 or '67.
Q But you are not positive as to what year you went there in, whether it was '66 or '67? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-244, D-729, and in D-317, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 26th day of April, 1902.

F. G. Rutter
Notary Public.

1/D317

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 18 1902

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F. D.-729.

To be filed with cases D-825 and D-317.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May, 1902.

In the matter of the application of Eli Graves for the enrollment of himself and child as Cherokee Freedmen.

SUPPLEMENTAL TO D-729.

Applicant represented by I. F. Bledsoe, Sheuteau, I.T.
Cherokee Nation represented by J. S. Davenport.

GEORGE REDMON, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A George Redmon.
Q Where do you live, Mr. Redmon? A Humboldt, Kansas.
Q How long have you lived in or near Humboldt, Kansas? A Lived in Humboldt ever since '66, about July, '66.
Q In fact you have lived there then about all your life? A Yes, sir.
Q What's your age? A 37; will be 37 in September.
Q Since you lived in or near Humboldt, Kansas, did you get acquainted with some colored people that went by the name of Graves? A Yes, sir.
Q Do you know what the first names were? A Why I knew Charley Graves.
Q Well did he have a family? A Yes, sir; he had a family, wife and some two or three children while I knew him; I don't know how many more he had, but he had that many.
Q Do you know what his wife's name was? A Chaney, they called her.
Q Do you remember any of his children's names? A Eli and Ed; I remember those two.
Q Do you know whether or not they had any other children, of your own knowledge, that passed as their children? A Why I think they had; quite sure that they were theirs; he was feeding them, supporting them.
Q About when did you get acquainted with the Graves family; Mr. Redmon? A Why it must have been somewhere in '81 or '2, somewhere along there.
Q Where were you living at that time? A IN Humboldt.
Q How long did they live there after you got acquainted with them? A They must have been there ten years, I guess.
Q About what sized place is Humboldt? A Why I think about three thousand.
Q Do you know whether or not they kept house while they were there? A Yes, sir; they kept house.
Q How far did they live from where you lived, Mr. Redmon? A Two blocks north.
Q About how often would you see them during the time you lived there or they lived there? A Why I would see them probably two or three times a day, every day, had to pass very close to their place going up to town.
MR. BLEDSOE: Are you positive that this woman's name was Chaney? A Well, no, I am not positive that it was; but that's the name she went by there.
Q You don't know then for certain that this woman that we are talking about to be that identical woman that you speak of? A Well, I am positive that it's Charley Graves' wife.

Q How long did you say you knew them to live there? A Why I knew them there about ten years.
Q You don't know in that time whether this Chaney ever came down to the Nation or not? A No, I don't.
Q To your own knowledge you just saw them occasionally as neighbors would see them? A Why, I would see them every day.
Q What was Graves doing there? A Why, he was a stone mason.
Q Working around by day's work and jobs around here and there wherever he could get work to do? A Yes,sir.
Q Do you know whether this Chaney owned any property there in Kansas or not? A Well, between them they owned a house and a couple of lots.
Q You don't know whose property that was? A Well, they told me it was theirs; that it all I know about it; Charley told me it was his property.
Q Do you know where they went to from there? A No, I don't.
Q When did you first get acquainted with them there? A It must have been somewheres in '80 or '1 or '2, somewheres along there.
Q When did they leave from there to the best of your knowledge?
A Why, to the best of my knowledge it's been twelve or thirteen years ago.
Q They came off from there; do you know what became of them?
A No, I don't know what became of them.
Q You haven't seen them since? A I have seen Charley once since, and I see the boy very often, Ed.
Q None living up in there now? A Nobody but Ed.
Q You don't know where they were prior to that time, I suppose, prior to 1880? A No.
Q Where were they living when you first got acquainted with him?
(No response)
MR. DAVENPORT: Why, did Ed live in there? A They were living there when I first knew them.
Q You said Ed, where does he live? A Living in Humboldt, working for his Uncle George.
Q What name does his Uncle go by? A Graves.
MR. BLEDSOE: He is just working there by day's work, I suppose and not just like any other man? A Learning a trade with him.
MR. DAVENPORT: Is he married, have a family? A No.

JOSHUA ROSS, being first duly sworn, testified as follows:

MR. BLEDSOE: What is your name? A Joshua Ross.
Q How old are you? A 69.
Q Where do you live? A I live in Muskogee.
Q You are a Cherokee citizen by blood? A I am.
Q On all the rolls, I suppose, of the Cherokee Nation? A Well, I aint on the 1880 roll; I am on all of those rolls before and since then I think.
Q You have always been recognized as a Cherokee citizen? A Yes, sir.
Q Did your mother or any of your people own one Susie Ross? A No my mother was named Susie Ross.
Q Well, that is, Chaney Ross; your mother's name was Susie Ross?
A Yes,sir.
Q Did she own Chaney Ross? A Yes,sir; she owned a woman by the name of Chaney Ross.
Q Did this Chaney Ross have any children? A Yes,sir; she had several children.

Q Did she have a girl named Chaney? A Yes,sir.
Q What ever became of that girl? A My brother, Richard Ross, brought her down here into the Creek Nation just about the breaking out of the war to nurse, he had one or two little girls, and he brought her over to nurse for him.
Q Your brother was a Cherokee citizen? A Yes,sir.
Q This Chaney was not sold to him? A No,sir.
Q Your mother just let him take her down here? A Yes,sir; that's my understanding.
Q That Chaney Ross, do you know her to be this Chaney Graves, the same identical person? A I do.
Q Do you know when she came back to the Cherokee Nation or whether she was here in '66 or not? A WellI remember of seeing her in '66, yes,sir.
Q Do you know whether she came back with Houston Rogers--
MR. DAVENPORT: I object to that, to putting a question in such a way as that.
MR. BLEDSOE: Do you know the date she came back to the Nation?
A Only by hearsay, but I can tell you where I saw her.
Q Never mind; that's all.
MR. DAVENPORT: How many times have you seen her, Mr. Ross, since the war? A I don't remember of having seen her but once in '66 and then several years ago.
Q Do you know what time in '66 it was in? A No, I don't know; I simply remember of it, that she was there.
Q Well, where has she been living the last twenty years? A I dont know anything about that. I claim that I can prove that she belonged to my mother and that she was never sold out of the country and that she was here in the Cherokee Nation in '66, and further than that I say not.
Q You don't know whether she was living here? A Well she was living here when I saw her.
Q Well, how long has it been since you have seen this identical Chaney Graves that you speak of? A It's been six or ten, well I think it was in '94 about that time when I saw her last, somewhere along there.
Q Where was she living then? A Said she was living up in Coo-weescoowee District.
Q Well do you know of your own knowledge whether shewas? A No, I said I don't know anything further than what I said.
Q Did you ever see her husband? A No,sir; not to know him.
Q Did you ever hear from either of them while they were living at Humboldt, Kansas? A No,sir.
Q Do you know of your own knowledge they did or did not live at Humboldt, Kansas? A No, I don't.
Q For a number of years? A No.
Q Where was Chaney and Charley Graves married, if you know?
A I don't know anything about that.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-585, D-317 and in D-729, the same being the case at bar.

F. D-729--8.

Arthur G. Croninger, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 5th day of May, 1902.

(Signed) P. G. Reuter,
Notary Public.

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 17 day of June, 1902.

P. G. Reuter
Notary Public.

Q

Cherokee F. D. 317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., SEPTEMBER 22, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CHARLES MARTIN ET AL., as Cherokee Freedmen.

Appearances:
W. W. Hastings, Attorney for the Cherokee Nation;

CHARLES MARTIN, being first duly sworn and being examined, testified as follows:

BY COMMISSION: What is your name? A Charles Martin.
Q How old are you? A About 60 years old.
Q What is your postoffice? A Chelsea.
Q Do you know Pearl Martin who made application for enrollment as a Cherokee freedman? A Yes sir.
Q What relation is she, if any, to you? A I am her grandfather.
Q Who is Pearl's mother? A Mary, my daughter.
Q Is she living or dead? A She is dead.
Q Q Do you know who Pearl's father Is? A I know who she said he was. I don't know, couldn't tell you that. She never was married to this fellow, but she was going with him and this happened, and he ran away.
Q When did your daughter, Mary Martin, die?
A She died in 1895.
Q Where did she live up to the time of her death? A She lived right with me, never did move away from me at all.
Q What Nation? A Cherokee Nation.
Q Was Mary Martin living in the Cherokee Nation all her life?
A Yes sir.
Q Has this child, Pearl Martin, lived with you all the time since its mother's death, in the CherokeeNation? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

Wm Hutchinson

Subscribed and sworn to before me this 15th day of October, 1903.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chaney Graves, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Chaney Graves, et al.,...	Cherokee Freedmen	D 585
Eli Graves, et al.,.....	" "	D 729
Mary Downing, et al.,....	" "	D 590

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Chaney Graves for herself, her minor children, Harry, Nellie, Andy, Lillie, Fred, Martha and Georgia Graves, and subsequent to the date of her original application, an affidavit was filed with the Commission and made a part of the record herein showing the birth of Albert Minsy, minor grandson of Chaney Graves; by Eli Graves for himself and his minor child, Mabel Graves and by Mary Downing for herself and her minor child, Leegustus Downing. The testimony taken at various times in the matter of the application of Charles Martin, et al. is made a part of the record herein.

The evidence shows that the applicant, Chaney Graves, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion, but returned thereto within six months after July 19, 1866. All the other applicants herein were born since 1866 and are the descendants of said Chaney Graves.

The evidence further shows that said Chaney Graves has resided in the Cherokee Nation since the time of her return, as aforesaid; the other adult applicants have resided in said Nation all their lives and it is considered that the minor applicants herein have resided, since their birth, with their respective parents, through whom they claim.

It is, therefore, the opinion of this Commission that Chaney Graves, Harry Graves, Nellie Graves, Andy Graves, Lillie Graves, Fred Graves, Martha Graves, Georgia Graves, Albert Minsy, Eli Graves, Mabel Graves, Mary Downing and Leegustus Downing should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,
this MAR 5 19[illegible]

Cherokee F-D-317

JOR

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Wahlequah, I.T. July 20, 1904.

In the matter of the Application of Charles Martin for the enrollment of himself, his wife, Eliza, and children, Edna, James, Joe, Jennie and Pearl Martin as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY.

EDNA GRAVES, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Edna Graves.
Q How old are you? A I am about 21.
Q What is your post office? A Chelsea.
Q You claim to be a Cherokee Freedman? A Yes sir.
Q Have you married since you applied for enrollment? A Yes sir.
Q What is the name of your husband? A Eli Graves.
Q Is he a Cherokee Freedman? A Yes sir.
Q When were you and he married? A I don't know exactly when we did marry, been married about five years.
Q How old were you when you married? A I was 14.
Q Do you remember the year it was in? A No sir I don't. My father enrolled me. I was married when he enrolledme.
Q He applied for enrollment for you under the name of Martin,- your names was Graves though? A Yes sir.
Q You married then along about the year 1898, that would be about six years ago. Were you about fourteen then? A Somewheres along in there.
Q Are you and Eli Graves living together now? A No sir.
Q When did you and he separate? A Been separated going on two years.
Q Have you married since you separated? A No sir.

Mary B. Risser, being duly sworn and-ex states that as stenographer to the Commission to he Five CivilizedTribes, she correctly recorded the supplemental testimony in this case and that the foregoing is a true and complete trawnscript of her stenographic notes therein.

Mary B Risser

Subscribedand sworn to before me
this July 25, 1904.

J Kesser
Notary Public.

MBR

FILED
MAR 1 1966
COMMENCEMENT TO FIVE TIMES.

Cherokee Freedmen-D-
317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 9, 1905.

In the matter of the application for the enrollment of Charles Martin et al. as Cherokee Freedmen.

A P P E A R A N C E S:

The Cherokee Nation present, represented by Bell, Hastings & Davenport.

The applicant telephnoned, by long distance telephone, on March 8, 1905 and stated that he was unable to appear on account of high waters, and asked to have an opportunity to present some testimony in a few days. Under the circumstances, he was allowed, if he so desired, to introduce such testimony as he may desire on March 13, 1905.

The Cherokee Nation, by its attorneys, stated that it has some witnesses to introduce now.

Peter Jenkins, being duly sworn, testified as follows on behalf of the Cherokee Nation.

Commission:

Q. What is your name? A. Peter Jenkins.
Q. What is your post office address? A. Lawrence, Douglas County, Kansas.

Mr. Hastings:

Q. How old are you? A. 81.
Q. You live in Lawrence Kansas? A. Yes sir.
Q. Where were you born? A. In Virginia.
Q. When did you come to Kansas? A. I come to Lawrence, Kansas in '63.--the next fall after Quannah's Raid.
Q. You have lived there ever since? A. Yes sir.
Q. Were you living there the first few years after the war? A. Yes sir, I have been there ever since I come.
Q. Do you know a colored man by the name of Charles Martin? A. Yes sir, I used to be pretty well acquainted with him.
Q. Do you know whether he claimed to be fromthe Cherokee Nation or not? A. That is where he told me he was from.
Q. Was there anything the matter with him---with either of his hands? A. I think his right hand was off about the wrist. I am not shre whether it was his right hand or not, but it was one of them.
Q. When did you get acquainted with him? A. I got acquainted with him about --- as near as I can tell the truth about it- in '66.

Q. What time in '66? A. January.
Q. How did you become acquainted with him? A. I took a contract to make forty thousand rails for a man by the name od Cal Eaton, and it was a little more of a job than I could do, and I wanted some help. There was a man there that recommended me to Charles Martin, who he said was a good rail splitter. I sent for him to come down, and he come and worked for me. When he come I told him I wanted him to work for me for two or three days, and after that I told him I would give him half of the contract.
Q. How long did you work together? A. From January until the last of March.
Q. Did you continue to know him after that? A. Yes sir, for three or four years.
Q. Did you see him frequently? A. Yes sir.
Q. He worked around there, did he? A. Yes sir. He farmed around there and worked on the railroad for, anyhow, four years.
Q. Do you know how he come away from there, or what he was doing? A. Well, as far as I can understand about that-- he told me he was going to go on the railroad-- that there was a railroad coming south, and that he was going to come south on that road.
Q. Did you ever see Spencer Martin, or Bell? A. They were brothers.
Q. Did he live there too? A. Yes sir.
Q. Did he live on a farm or in town? A. He lived on a farm a while, and when he left the farm he went into town.
Q. How long did you know him? A. I got acquainted with him about the same time I did Charles.
Q. How long did you know Spencer? A. I guess 10 or 12 years.
Q. Did he have a family? A. Yes sir, his wife died.
Q. Did you continue to know him? A. I knew him for 8 or 10 years after that. He lived around Lawrence and Ossawatomie and back at Lawrence until he about died.
Q. Did he ever tell you that he had been to the Nation? A. I think he told me that he come to the Nation once.
Q. Did you know any of his family? A. Yes sir, I knowed his boy, Rex, and I knowed his daughter Mariah and I knowed his daughter Tildy.
Q. Were they living up there with him? A. Yes sir.
Q. You think that you knew Charles Martin as much as four years after the war? A. I am certain of that.
Q. Was he a good railsplitter, notwithstanding he had lost one hand? A. He was a better railsplitter than them what had two hands. None of the men with two hands could come up with him. If the rest of them gor 175 rails a day they did well, but Charles got his 250 every day.
Q. You have lived at Lawrence ever since? A. I lived on the farm one year, but I moved to town in August after that rail splitting, and I have been in the town ever since.

COMMISSION.

Q. Did Charles Martin ever work for the M. K.& T. railroad? A. I don't know what road it was, but he said he wanted to get on the road that come down into Texas.
Q. How did he get away from there? A. He went to work on the road, and worked on down as the road come south.
Q. Where did you first get acquainted with Charles Martin? A. In Douglas County, Kansas.

Q. You think that was in '66? A. Yes sir.
Q. Was the railroad running through there then? A. This one wasn't, but the U.P. was.
Q. Did he work on the U.P. road? A. He worked, off and on, on that road for two or three years.
Q. When he started to go south did he go by train? A. No sir
Q. How did he go? A. He took some teams. The railroad contractor had hired some teams.
Q. Do you know when the M. K.& T. was built? A. I don't know that.
Q. Does it run through Douglas County Kansas? A. I don't know, bot I don't think it do.
Q. You knew him for how long? A. I knowed him, anyhow, for four years.
Q. Four years continuously? A. Yes sir.
Q. For four years you kept track of him? A. Yes sir.
Q. During those four years he always lived in Douglas County, Kansas? A. Yes sir.
Q. How was his hand cut off? A. Just below the wrist.
Q. When was it cut off? A. I don't know. It was cut off when I first knew him.

WITNESS EXCUSED.

William Jackson, being duly sworn, testified as follows on behalf of the Cherokee Nation:

COMMISSION:

Q. Your name is? A. William Jackson?
Q. What is your post office address? A. Wagoner.

MR. HASTINGS:

Q. What is your age, Captain? A 70 years old.
Q. You are a citizen of the Cherokee Nation by adoption? A. Yes sir.
Q. You are also known as Captain Jackson throughout the country? A. Yes sir.
Q. When did you come to the Cherokee Nation after the war? A. In the summer of '69.
Q. Did you have ---own a saw mill after you came back up near your place near Wagoner? A. Yes sir.
Q. You lived over on Grand River near Wagoner? A. Yes sir.
Q. There was no wagoner there then? A. No sir.
Q. Where did you come from in '69? A. Texas.
Q. When did you have that saw mill over on Grand River? A. It was in the winter of '71 I think I moved it there. --- I think I bought the mill in '71 and moved it on Pryor Creek, and in the winter of '72 I moved it on Grand River.
Q. Did you own a saw mill prior to that time? A. No sir.
Q. But you did own one then? A. Yes sir.
Q. Did you know any other William Jackson in the neighborhood who had owned one prior to that time? A. No sir. There was no other William Jackson in the neighborhood.
Q. Do you know a colored man who claims to have worked for you, he says it was in '66, by the name of Charles Martin, and to help you remember him, he just had one hand? A. Yes sir, I think a onehanded nigger by that name worked for me. It was so long ago that I do not have any special recollection of him Since I have heard you talking, I remember the man, a one-handed nigger.

Q. Did he work for you prior to 871? A. No sir.
Q. He could not have worked for you in '66 or '67? A. I was not living here in '66 or '67. I was in Texas.
Q. If he testifies that he came down here in '66 and in about two or three months time went to work for you, that could not have been true? A. No sir.

COMMISSION:

Q. When did you first come to the Cherokee Nation? A. In '62
Q. How long did you stay then? A Until the war.
Q. How many years? I was in the army at that time.
Q. Did you have a home in the Cherokee Nation between '62 and '66? A. I never had a home in the Cherokee Nation until '69. I never lived here until then? I was back and forth from here to Texas.
Q. If this Charles Martin ever worked for you at all, it must have been after '69? A. Yes sir.
Q. You are positive of that? A. Yes sir.
Q. Was the railroad running through here when you first came? A. No sir, I shipped the saw mill to Pryor Creek on board the first train. Afterwards, I moved it down to Gibson Station, and they were building a railroad there at that time.

WITNESS EXCUSED.

On March 15, 1905, Charles Martin introduced some testimony in this case.

Charles Martin, being duly sworn, testified as follows on his own behalf:

COMMISSION:

Q. What is your name? A. Charles Martin.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. Have you a grandchild called Pearl Martin? A. Yes sir.
Q. Who was the father of Pearl Martin? A. I do not know, sir, I couldn't tell.
Q. Is Pearl a boy? A. Yes sir.
Q. Who is the mother of Pearl? A. My daughter, Mary.
Q. Where was this child born? A. On Pryor Creek, at my house.
Q. Has he always lived in the Cherokee Nation? A. Yes sir.
Q. Where was his mother born? A. In Texas.
Q. When did she come back to the Cherokee Nation? A. I brought her back, myself.
Q. When was that? A. It was along when I was making ties on the railroad. I don't know just when it was.
Q. Was Mary Martin born after the war? A. Yes sir, quite a while after the was.
Q. How soon after the war did you commence to work for the railroad? A. I commenced working directly after Mr. Hooley Bell had his contract up on Timbered Hill---about a year after
Q. I am talking about the time you worked for the railroad--how long did you work for the railroad? A. About 5 years, I guess.
Q. Where were you working? A. All the way from here to Red River.
Q. Did you keep your home in the Cherokee Nation during that time

A A. Yes sir, I had no other home.
Q. This boy, this grandson of yours, Pearl Martin, does not claim any right except through his mother? A. No sir.
Q. He claims none through his father? A. No sir.
Q. Are Edna, James, Joe, and Jennie living today? A. Yes sir.
Q. In the Cherokee Nation? A. Yes sir.

MR. HASTINGS:

Q. When you were working on the railroad you claimed the Cherokee Nation as your home, but you didn't really have any home, did you? A. No sir, I wasn't married.
Q. Where were you married? A. I was married in Texas, and after I quit working on the railroad I come back to the Nation.

COMMISSION:

Q. Did you work for Peter Jenkins, about the close of the war, in Kansas? A. I don't know Peter Jenkins.
Q. Did you do any railsplitting in Kansas about '66? A. I never split a rail in Kansas in my life.

MR. HASTINGS:

Q. You come down as this M. K.& T. was being built? A. No sir I never got on the railroad till I got on it at Timbered Hill.
Q. You knew Peter Jenkins? A. I don't think I knew him.
Q. You know Capt. Jackson? A. Yes sir, he had a saw mill.
Q. You said you worked for him in a short time after coming down here? A. I didn't say it was a short time.
Q. How long had you been here? A. I had been here probably two or three years. This road had not got to Capt. Jackson's.
Q. How long had you been here when you worked for him? A. It must have been 2 or 3 years.
Q. You testified before that you worked for him within 2 or 3 months from the time you came here. Where did you first come to when you come to the Cherokee Nation? A. I come to Charley Lamb's old place, at the mouth of Cabin.
Q. How long did you stay there? A. I may have stayed there a week or two or such a matter.
Q. Then where did you go? A. To old man Simon Lynch's.
Q. How long did you stay there? A. I was around about there for a month, I guess.
Q. Then where did you go? A. I started down to my old home place, and I wentover to Uncle Billy Ross'. He lived on Pryor Creek.
Q. How long did you stay there? A. I may have stayed there 2 or 3 months, I don't know exactly.
Q. Do you know? A. I don't exactly know, but I can tell you as near as I know.
Q. Then where did you go? A. I come on down and was at a colored man's house by the name of Charles Burges.
Q. How long did you stay there? A. I don't know. I didn't try to keep an account of it.
Q. About how long? A. It might have been a month or a month and a half.
Q. What were you doing? A. I just worked around. There was nothing much to do. There wasn't a man in the country that had a dollar to pay for work.
Q. Where did you go from Burges'? A. Down close to Bryant's place to the salt works.
Q. Who did you work for? A. I didn't work.

Q. How long did you stay here without working? A. I did work. Whenever I could strike a man that wanted a fence put up or any rails split, I did it, but there was not much to do. I would work for any one for what I got to eat.
Q. Where did you first see Crap Lynch? A. At Simon Lynch's.
Q. When did you first see him? A. In May, in '66 was when I saw Crap.
Q. Then you never saw him any more for how long? A. I saw him for quite a while--as long as I knowked around there, then I saw him when the road come through.
Q. You never saw him from May, '66 until the road come through? A. I do not know that I saw him any oftener.
Q. Who did you work for over at the salt works? A. I didn't work. I stayed at old man Burges.
Q. Where did you go from there? A. I went around, I can't tell you just where all I did go.
Q. You have got 5 or 6 years in there that I want you to account for. A. I will if I can.
Q. Why did you swear, when you were on the stand before, that in 2 or 3 months after you came here you went to work for Capt. Jackson? A. The reason I told you that was because you asked me who I worked for, and I told you Capt. Jackson and some other man.
Q. Where did you go from the salt works? A. Up to Billy Ross' and around in there?
Q. You haven't anybody who saw you during that time? A. There are lots of people that saw me. There is a man at Chelsea that knew me at that time.
Q. You never brought him or anybody else before the Commission? A. I couldn't bring him for he wanted more money for it than I had.
Q. The Commission was at Chelsea, why didn't you have him then?
Q. Where did you commence working on the railroad? A. Up here at Timbered Hill.
Q. That is near the Kansas line? A. Yes sir.
Q. You worked on down? A. Yes sir, to Red River.
Q. What kin are you to Spencer Martin, or Bell? A. He is a half brother of mine.
Q. Where did he live just about the time of the close of the war? A. I don't know where that fellow was at all.
Q. Didn't he live in Leavenworth, Kansas? A. I don't know. I lived at Lawrence, but I don't know whether he was at Leavenworth or not.
Q. I am mistaken about the place-- I meant Lawrence. Did Spencer Bell live at Lawrence? A. Not that I know of. When they caught my boss and a crowd of us taking off a herd of cattle, a man named Capt. Barber took me to take care of his horses. He sent the rest to Lawrence and he sent me to his farm, about 9 miles out.
Q. That is where you made the rails? A. No sir.
Q. You are a rail maker and a tie maker are you not? A. I learned tie making down here.
Q. You are a good hand with the ax? A. I have always made rails for my boss.

WITNESS EXCUSED.

Anderson Lynce, being duly sworn, testified as follows on behalf of the applicant.

COMMISSION:

Q. What is your name? A. Anderson Lynch.

Q. Have you testified in this case before? A. Not as I know of.
Q. How old are you? A. About 60 or 70.
Q. What is your post office? A. Ketchum.
Q. Cherokee Nation? A. Yes sir.
Q. Are you any relation to Allen Lynch? A. No sir, we were just raised up together.
Q. Do you know Charles Martin, the applicant in this case? A. Yes sir.
Q. How long have you known him? A. Ever since he was a little boy.
Q. Where did you first get acquainted with him? A. We all belonged to the same family of people.
Q. What were their names? A. Martins.
Q. By which Martin was you owned? A. I was a Lynch, but the Lynchs and Martins were mixed up somehow on account of the women.
Q. You mean the Martins and Lynchs were related? A. Yes sir.
Q. Are you an applicant before the Commission? A. Yes sir.
Q. As a Freedman? Yes sir.
Q. Has your case been decided yet? A. I guess so.
Q. Are you on the final roll? A. Yes sir.
Q. Now, I will take you back to directly after the war. How soon after the end of the war did you see Charles Martin? A. It was along in June, down to Simon Lynch's. I just happened to see him and talked with him.
Q. What year was that? A. In the spring.
Q. What year? A. '66 I think.
Q. You think it was in the spring of '66? A. I don't think it for I know it.
Q. How do you remember so distinctly that it was '66? A. It was the time everybody was trying to get home.
Q. What were you doing? A. I was farming up on the creek.
Q. What was he doing? A. He had just come there and was helping Simon straighten some fence.
Q. He was just walking back and you met him? A. I don't know about that.
Q. How long had he been there? A. He was straightening up a fence there when I saw him.
Q. He was staying at Simon Lynch's? A. He might have stayed all night.
Q. You happened to go by there and saw him? A. Yes sir.
Q. Did you talk with him at that time? A. I shuck hands with him and knowed him and he told me what troubles he had had, and I don't know where he went after that.
Q. You had a short talk with him and went your way and left him there? A. Yes sir.
Q. How soon after that did you see him again? A. I don't know I just could hear of him around. I never seed him no more for I don't know how many years it had been.
Q. Quite a few years? A. Yes sir, longer than that, I guess.
Q. After that how often did you see him? A. I don't know. T They had a doing out on GooseNeck Bend, and I saw him there.
Q. From '66 up to the present time have you seen him often? A. No sir.
Q. About how many times altogether have you seen him since '66? A. Two or three times.
Q. He doesn't live in your neighborhood? A. No sir.
Q. About how far does he live from you? A. About 30 miles I reckon.
Q. You never went visiting to his house, and he never visited you? A. No sir, I never was at his house.
Q. Were you out during the war? A. Yes sir.
Q. Where did you go? A. To Fort Scott.

Q. How soon after you came back did you see Charles Martin? A. About three years after I came back.
Q. You are sure that you had been back three years before you saw him? A. It might have been longer, as I never kept track.
Q. Do you know what year you came back? A. Yes sir.
Q. What year? A. I come in '65.
Q. But it was two or three years after that when you saw Charles Martin? A. It might have been two years. I don't know.

Mr. Hastings:

Q. What year is this? A. I don't know exactly.
Q. You do not know much about years? A. No sir, only as I am told.
Q. They sometimes call you Crap Lynch? A. Yes sir, sometimes
Q. You do not know one year from another, do you, Crap? A. When they look at an almanac and tell me, I know.
Q. Are you married? A. No sir.
Q. Have you ever been married? A. Oh, yes sir, I has been married.
Q. Do you know what year you were married? A. No sir, that is too far for me.
Q. Have you any children? A. Yes sir.
Q. Do you know what year the first one was born? A. I have it in a bible at home when all of them were born, but I can't tell you now.
Q. This man, when you saw him, told you that he was from Lawrence Kansas didn't he? A. I don't know where he come from.
Q. You said you talked to him and he told you where he was from? A. I don't think he told me just where he was from. He was talking about what a hard time he had had.
Q. Where was his wife at that time? A. He didn't have any.
Q. You never saw him after that for how many years? A. It must have been 5 or 6 years before I saw him again. I could hear of him around in the country.
Q. You want to put in a lot of hearsay testimony that I am going to keep out if I can. I want to know if you saw him? A. It was a good while after.
Q. You have been a witness in a good many of these Freedman cases A. In several of the cases that I had knowed and seed.
Q. They always gave you something to testify for them? A. They always paid my board and expenses to testify for them.
Q. They would usually give you something else too, wouldn't they? A. Sometimes they would throw me a dollar or two to keep me up awhile, because they knowed I had seed them, and they needed witnesses.
Q. You never saw this Charles Martin at Simon Lynch's but the one time for 5 or 6 years? A. Just once is all I saw him.
Q. That was two or three years after you came back after the war? A. Yes sir.

COMMISSION:

Q. At the time you saw Charles Martin at Simon Lynch's how far were you living from Simon Lynch's? A. It must have been about 7 miles.
Q. How often did you go by the house of Simon Lynch? A. I don't know just exactly. Sometimes we would go over to see how one another was getting along.
Q. How often did you use to pass Simon Lynch's house? A. I

don't know. I spect maybe it would be a year or six months before I would pass it again.

Q. Is your wife a state woman? A. Yes sir.

Q. Does she claim any right in the Cherokee Nation? A. No sir

Q. What right the children have they claim through you? A. Yes sir.

WITNESS EXCUSED.

Charles Martin recalled.

COMMISSION:

Q. Do you know where Douglas County, Kansas is? A. I don't know as I do.

Q. Were you ever in Douglas County, Kansas? A. Not as I know of.

Q. Did you ever live in Douglas County, Kansas? A. Not as I know of.

Q. Do you know a place called Lawrence Kansas? A. Yes sir.

Q. Did you ever live there? A. Yes sir.

Q. Did you meet a colored man by the name of Peter Jenkins up there? A. I don't know him if I did.

Q. Along about '66 or '67 did you split rails for anybody up there? A. I never split a rail in Kansas.

Q. On the line then, near there? A. I never split a rail for anybody in Kansas.

Q. You are sure about that? A. Yes sir.

Q. You are a pretty good railsplitter, aren't you? A. Yes sir I have been all my life.

Q. How many rails could you split in a day? A. I guess 200 or 125.

Q. Do you want to swear positively that you never split rails for Peter Jenkins? A. I do, sir.

MR. HASTINGS:

Q. But you were at Lawrence Kansas? A. Yes sir.

Q. You are a good rail splitter? A. Pretty fair.

Q. You did have a brother by the name of Spencer Bell--sometimes called Martin? A. Yes sir.

Q. He lived at Lawrence Kansas? A. I don't know where he was. He run off, and I don't know where he lived.

Q. He did live in Kansas? A. He lived up there somewhere.

COMMISSION? A. Have you any more testimony to offer in this case? A. I haven't got it here.

Q. Do you want to bring any more here, or do you want the Commission to decide the case on the evidence as now filed? A. I will be satisfied.

WITNESS EXCUSED.

The Cherokee Nation submits the case, and the decision will be written upon the record as now made up.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 9th and 15th days of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said dates.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 15th. day of March, 1905.

Myron E. White

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charles Martin et al., as Cherokee freedmen, consolidating the applications of:

Charles Martin et al.,	Cherokee Freedman D 317
Ella Martin,	Cherokee Freedman D 244

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Charles Martin for himself and wife, Eliza Martin (by intermarriage), and minor children, Edna, James, Joe and Jennie Martin, and his minor grandchild, Pearl Martin; and by Ella Martin for herself. The application for the enrollment of Eliza Martin as a citizen by intermarriage , of the Cherokee Nation, has been heretofore disposed of, consequently, her rights to enrollment will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant, Charles Martin, claims the right to enrollment as a Cherokee freedman by virtue of his compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment as descendants of the said Charles Martin.

CHARLES MARTIN appeared before the Commission at Vinita, Indian Territory, on May 16, 1901, and in support of his application for enrollment, testified as follows: I am fifty-eight or fifty-nine years old, and when the war broke out I was the slave of Sarah Martin, the widow of Price Martin, deceased, who was a citizen by blood of the Cherokee Nation. I have lived in the Cherokee Nation all my life except when I was in Kansas during the war. I returned from Kansas to the Cherokee Nation in the spring of 1866, and stayed in said Nation until '73 or '74, when I went to work for the M. K. & T. railroad in the Chickasaw Nation and remained with it for some three or four or five years, until they built into Texas, when I returned to the Cherokee Nation and commenced farming, and have been farming here ever since. I married

Eliza Watson, a state raised woman, when with the railroad in Texas, and she is the mother of all my children. My oldest child, Mary, deceased, was born in Texas, and if living would be about twenty-six years old now. She was the mother of the minor applicant, Pearl Martin. My daughter Nina (18 years old in 1901), was born on the railroad at Boggy Depot, Chickasaw Nation, and all my other children were born in the Cherokee Nation. I came from Kansas to the Cherokee Nation (after the rebellion) with my uncle, Tom Waity, stayed on the Landrum place three or four weeks, then went to my uncle Simon Lynch's place and stayed there three weeks, and then started for Blue Rider's, our old home place, where I was raised, but did not get there. Went to Captain Jackson's place instead, and worked for him something over a year; helped move his saw mill from Fort Gibson to Chouteau, and sawed lumber until the railroad came and then I went to work for it.

ALLEN LYNCH, on behalf of the applicants, at Vinita, Indian Territory, on May 16, 1901, testified as follows: I am sixty-one years old, and have lived in the Cherokee Nation all my life; I have known the applicant, Charles Martin, ever since we were boys. At the commencement of the rebellion he was the slave of Sarah Martin, a Cherokee citizen. I first saw him in the Cherokee Nation after the war, in 1866, on the old Charles Landrum place on Cabin Creek. Never saw him again until he was working on the railroad, but have seen him on Pryor creek ever since the Wallace roll was made.

ELLA MARTIN appeared before the Commission at Vinita, Indian Territory, on May 16, 1901, and in support of her application for enrollment, testified as follows: I am twenty-two years old and am the daughter of Charles Martin (principal applicant herein) and Eliza Martin (a non-citizen of the Cherokee Nation), and have lived in the Cherokee Nation all my life.

W. A. SIMONEY appeared before the Commission at Vinita, Indian Territory, on October 4, 1901, and on behalf of the Cherokee Nation, testified as follows: I am sixty-nine years old, live at Chouteau, Cherokee Nation, and am a Cherokee citizen by adoption. I landed in the Cherokee Nation, after the rebellion, on December 15, 1867. I have known the applicant, Charles Martin, since before the war; he was the slave of Sarah Martin, a Cherokee citizen; I first saw him after the rebellion, at Chouteau, Cherokee Nation, in the latter part of August, 1871, he was then with a construction train laying track on the M. K. & T. railroad. He told me that he had been with the train continuously from some point in Kansas, and that he had been with them a long time. He at that time said he had not made a home in the Cherokee Nation. I saw him several times after that as the train was passing, but had no further conversation with him. I know Captain Jackson, who moved his saw mill to that part of the country in 1871, and located it at the (railroad) crossing on Pryor creek. I have never seen the applicant in the Cherokee Nation since 1871.

R. K. ADAIR, appeared before the Commission at Vinita, Indian Territory on October 4, 1901, and on behalf of the Cherokee Nation, testified as follows: I am forty-six years old, and have lived near Chelsea, Cherokee Nation, since '82. I have known the applicant, Charles Martin, about sixteen or seventeen years; first saw him at my place on Pryor creek about January or February, 1885. He told me that he had just come, with his family, from Texas. I had seen the applicant's family, a short time before, on the train between Vinita and Catale, and saw them get off at the latter place. Applicant also told me that he had been in the Cherokee Nation before, but had gone through to Texas with the M. K. & T. railroad, and that he had married in Texas. I believe there were three children of his own and one step-son, in his family when he moved to my neighborhood in 1885.

LEWUEL PARRIS, appeared before the Commission at Vinita, Indian Territory, on October 4, 1901, and on behalf of the Cherokee Nation, testified as follows: I am fifty-two years old, and have been living near Catale, Cherokee Nation, since 1880. I have known the applicant, Charles Martin, since about '84 or '85, when he and his family moved into my neighborhood. He told me that he was from Texas.

WILLIAM DRAKE appeared before the Commission on April 25, 1902, and on behalf of the Cherokee Nation, testified as follows: I live at Lawrence, Douglas County, Kansas, and have lived there since March 1866 or 1867; shortly after moving to Lawrence I became acquainted with one Charles Martin; I remember him in particular by reason of the fact that he had one hand off. I worked with him on the railroad at Lawrence, and afterwards at the same kind of work in south-east Missouri. The time during which I knew and worked with Charles Martin in Kansas and Missouri covered a period of three or four years. I cannot swear positively that Charles Martin was not in the Cherokee Nation during the fall of 1866.

ANNA GRAVES, nee Martin, appeared before the Commission at Muskogee, Indian Territory, on July 20, 1904, and testified as follows: I am about twenty-one years old, and am the wife of Eli Graves, and was married to him before my father made application to the Commission for my enrollment as a Cherokee freedman.

[illegible] JOHNSON, appeared before the Commission at Muskogee, Indian Territory, on March 9, 1905, and on behalf of the Cherokee Nation, testified as follows: I am eighty-one years old, and have lived at Lawrence, Douglas County, Kansas, ever since 1865. I was acquainted with one Charles Martin, a colored man who had one hand off at the wrist, first became acquainted with him about January, 1866, at Lawrence, Kansas. He told me that he was from the Cherokee Nation. We worked together splitting rails from January, 1866, until March of the same year. I saw him around Lawrence, Kansas,

frequently, for three or four years after that, during which time he formed and worked on the Union Pacific railroad. When he left there he told me that he was going to work on a railroad that was building south into Texas. Charles Martin was a brother of one Spencer Martin, or Bell, and I became acquainted with these two men about the same time. I am certain that Charles Martin lived at Lawrence, Kansas, continuously for at least four years after the war. He left Lawrence, Kansas, with a railroad contractor.

WILLIAM JACKSON appeared before the Commission at Muskogee, Indian Territory, on March 9, 1906, and on behalf of the Cherokee Nation, testified as follows: I am seventy years old, am a citizen by adoption of the Cherokee Nation, and am known throughout the country as Captain Jackson. After the war I came from Texas to the Cherokee Nation in the summer of 1869; I bought a saw mill in 1871 and shipped it to Pryor Creek, on the M. K. & T. railroad, and later moved it to Gibson Station. I believe I remember Charles Martin, a one handed negro who at one time was in my employ, but am positive he did not work for me prior to the year 1871.

CHARLES MARTIN, principal applicant herein, appeared before the Commission at Muskogee, Indian Territory, on March 15, 1906, and in support of his application further testified as follows; Pearl Martin is the illegitimate child of my deceased daughter, Mary, I do not know who his father was. I worked about five years for the M. K. & T., getting out ties from here to Red River. When I was working for the railroad I claimed the Cherokee Nation as my home, but really had no home until after I was married. I never worked for Peter Jenkins in Kansas after the rebellion, and never split a rail in Kansas in my life. I do not believe I know Peter Jenkins. I did not come down on the M. K. & T. railroad as it was being built, but first went to work for it at Timbers Mill (Cherokee Nation), I now Captain Jackson. He owned a saw mill. I did not say I went to work for him two or three months after I came back to the Cherokee Nation in 1866; it must have been two or three years afterwards. I first saw Crap Lynch at Simon Lynch's place in May, 1865. I was a half-brother of Spencer Martin, or Bell. I was living at Lawrence, Kansas, at the close of the rebellion. I am a good rail and tie maker and have made rail ties by hand.

ATTAWAY LYNCH appeared before the Commission at Muskogee, Indian Territory, on March 16, 1906, and on behalf of the applicant testified as follows: I am about sixty or seventy years old, and am sometimes known as Crap Lynch. I have known the applicant, Charles Martin, ever since he was a little boy; we all belonged to the same family. I first saw the applicant in the Cherokee Nation, after the war, at Simon Lynch's in June, 1866. I know it was in the spring of '66 because everybody was trying to get home. I have seen the applicant but two or three times since then. I was at Fort Scott, Kansas, during the war, and returned to the Cherokee Nation in 1865, and first saw the applicant two or three years

after my return. I do not know what year this is, and know nothing about the years but what I am told.

CASE SUBMITTED ON RECORD AS NOW MADE UP.

The applicant, Charles Martin, is identified on the Wallace roll, and all of the applicants herein are identified on the Kern-Clifton roll, but cannot be identified on any other roll of the Cherokee Nation, in the possession of the Commission.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicant, Charles Martin, was the slave of a Cherokee citizen at the commencement of the rebellion, that he was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; and that the other applicants herein were born since 1866, are descendants of the said Charles Martin, and possess no rights to enrollment as Cherokee freedmen, other than as such descendants; and it is further considered by the Commission that the said applicant, Edna Martin, should be listed for enrollment as Edna Graves.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Charles Martin, Edna Graves, James Martin , Joe Martin, Jennie Martin, Pearl Martin and Ella Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,

this JUN 23 1905

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—335,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—425,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Rose,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Biley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Coz,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Rose,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Nenna Nave,	Cherokee Freedmen D—816,
Ella Rose,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—106,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—113,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—178,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kinder Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Calhe Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as cit ens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeanu Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Bellard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Cherokee Freedmen D-317.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles Martin for the enrollment of himself and minor children, Edna, James, Joe and Jennie Martin, and minor grandson, Pearl Martin, as Cherokee Freedmen.

-: D E C I S I O N :-

The record in this case shows that on May 16, 1901, Charles Martin appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and minor children, Edna, James, Joe and Jennie Martin, and minor grandchild, Pearl Martin, as Cherokee freedmen, and for his wife, Eliza Martin, as a Cherokee freedman by intermarriage, but as the status of persons applying for enrollment as Cherokee freedmen by intermarriage is not fixed at this time, she is not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 4, 1901, and again on September 22, 1903.

The evidence shows that the applicant Charles Martin was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, but returned thereto in 1866, and resided therein from the time of his return until about 1874; that he then left the Cherokee Nation temporarily, returning thereto about 1878, since which time he has resided continuously in said nation.

The evidence further shows that Pearl Martin is the child of Mary Martin, deceased, who was the daughter of the principal applicant, and a resident of the Cherokee Nation at the time of her death in 1895.

All the minor applicants herein are descendants of said Charles Martin, and have all been born since 1866. Their residence is considered to have been in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Charles Martin, Edna Martin, James Martin, Joe Martin, Jennie Martin, and Pearl Martin should be enrolled in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

17

FD317

Entered at Muskogee, Indian Territory, June 18, 1902.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 18 1902

ACTING CHAIRMAN

Dawes Commission,
Muskogee, I. T., June 18, 1902.

Mr. Tams Bixby,
Chairman Dawes Commission,
Washington, D. C.

Dear Sir:

Enclosed herewith is a copy of the proceedings had before the Commission to the Five Civilized Tribes in the above entitled case, which was submitted to the Commission upon the above and foregoing testimony.

Very respectfully,

(Signed) Tams Bixby,
Chairman.

Enclosure.

Hon. Thomas Ryan,
Assistant Attorney General,
Washington, D. C.

Dear Sir:

Enclosed herewith is a copy of the proceedings had before the Commission to the Five Civilized Tribes in the above entitled case, which was submitted to the Commission upon the above and foregoing testimony.

Very respectfully,

(Signed) Tams Bixby,
Chairman.

Enclosure.

F. D.-729.

To be filed with cases D-585 and D-317.

Department of the Interior,
Commission to theFive Civilized Tribes,
Muskogee, I.T., May, 1902.

In the matter of the application of Eli Graves for the enrollment of himself and child as Cherokee Freedmen.

SUPPLEMENTAL TO D-729.

Applicant represented by I. P. Bledsoe, Chouteau, I.T.
Cherokee Nation represented by J. S. Davenport.

GEORGE REDMON, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A George Redmon.
Q Where do you live, Mr. Redmon? A Humboldt, Kansas.
Q How long have you lived in or near Humboldt, Kansas? A Lived in Humboldt ever since '66, about July, '66.
Q In fact you have lived there then about all your life? A Yes, sir.
Q What's your age? A 37; will be 37 in September.
Q Since you lived in or near Humboldt, Kansas, did you get acquainted with some colored people that went by the name of Graves? A Yes,sir.
Q Do you know what the first names were? A Why I knew Charley Graves.
Q Well did he have a family? A Yes,sir; he had a family, wife and some two or three children while I knew him; I don't know how many more he had, but he had that many.
Q Do you know what his wife's name was? A Chaney, they called her.
Q Do you remember any of his children's names? A Eli and Ed; I remember those two.
Q Do you know whether or not they had any other children, of your own knowledge, that passed as their children? A Why I think they had; quite sure that they were theirs; he was feeding them, supporting them.
Q About when did you get acquainted with the Graves family; Mr. Redmon? A Why it must have been somewheres in '81 or '2, somewheres along there.
Q Where were you living at that time? A IN Humboldt.
Q How long did they live there after you got acquainted with them? A They must have been there ten years, I guess.
Q About what sized place is Humboldt? A Why I think about three thousand.
Q Do you know whether or not they kept house while they were there? A Yes,sir; they kept house.
Q How far did they live from where you lived, Mr. Redmon? A Two blocks north.
Q About how often would you see them during the time you lived there or they lived there? A Why I would see them probably two or three times a day, every day, had to pass very close to their place going up to town.
MR. BLEDSOE: Are you positive that this woman's name was Chaney? A Well, no, I am not positive that it was; but that's the name she went by there.
Q You don't know then for certain that this woman that we are talking about to be that identical woman that you speak of? A Well, I am positive that it's Charley Graves' wife.

Q How long did you say you knew them to live there? A Why I knew them there about ten years.
Q You don't know in that time whether this Chaney ever came down to the Nation or not? A No, I don't.
Q To your own knowledge you just saw them occasionally as neighbors would see them? A Why, I would see them every day.
Q What was Graves doing there? A Why, he was a stone mason.
Q Working around by day's work and jobs around here and there wherever he could get work to do? A Yes,sir.
Q Do you know whether this Chaney owned any property there in Kansas or not? A Well, between them they owned a house and a couple of lots.
Q You don't know whose property that was? A Well, they told me it was theirs; that it all I know about it; Charley told me it was his property.
Q Do you know where they went to from there? A No, I don't.
Q When did you first get acquainted with them there? A It must have been somewheres in '80 or '1 or '2, somewheres along there.
Q When did they leave from there to the best of your knowledge?
A Why, to the best of my knowledge it's been twelve or thirteen years ago.
Q They came off from there; do you know what became of them?
A No, I don't know what became of them.
Q You haven't seen them since? A I have seen Charley once since, and I see the boy very often, Ed.
Q None living up in there now? A Nobody but Ed.
Q You don't know where they were prior to that time, I suppose, prior to 1880? A No.
Q Where were they living when you first got acquainted with him? (No response)

MR. DAVENPORT: Why, did Ed live in there? A They were living there when I first knew them.
Q You said Ed, where does he live? A Living in Humboldt, working for his Uncle George.
Q What name does his Uncle go by? A Graves.

MR. BLEDSOE: He is just working there by day's work, I sppose and not just like any other man? A Learning a trade with him.

MR. DAVENPORT: Is he married, have a family? A No.

JOSHUA ROSS, being first duly sworn, testified as follows:

MR. BLEDSOE: What is your name? A Joshua Ross.
Q How old are you? A 69.
Q Where do you live? A I live in Muskogee.
Q You are a Cherokee citizen by blood? A I am.
Q On all the rolls, I suppose, of the Cherokee Nation? A Well, I aint on the 1880 roll; I am on all of those rolls before and since then I think.
Q You have always been recognized as a Cherokee citizen? A Yes, sir.
Q Did your mother or any of your people own one Susie Ross? A No my mother was named Susie Ross.
Q Well, that is, Chaney Ross; your mother's name was Susie Ross?
A Yes,sir.
Q Did she own Chaney Ross? A Yes,sir; she owned a woman by the name of Chaney Ross.
Q Did this Chaney Ross have any children? A Yes,sir; she had several children.

Q Did she have a girl named Chaney? A Yes,sir.
Q What ever became of that girl? A My brother, Richard Ross, brought her down here into the Creek Nation just about the breaking out of the war to nurse, he had one or two little girls, and he brought her over to nurse for him.
Q Your brother was a Cherokee citizen? A Yes,sir.
Q This Chaney was not sold to him? A No,sir.
Q Your mother just let him take her down here? A Yes,sir; thats my understanding.
Q That Chaney Ross, do you know her to be this Chaney Graves, the same identical person? A I do.
Q Do you know when she came back to the Cherokee Nation or whether she was here in '66 or not? A WellI remember of seeing her in '66, yes,sir.
Q Do you know whether she came back with Houston Rogers--
MR. DAVENPORT: I object to that, to putting a question in such a way as that.
MR. BLEDSOE: Do you know the date she came back to the Nation?
A Only by hearsay, but I can tell you where I saw her.
Q Never mind; that's all.
MR. DAVENPORT: How many times have you seen her, Mr. Ross, since the war? A I don't remember of having seen her but once in '66 and then several years ago.
Q Do you know what time in '66 it was in? A No, I don't know; I simply remember of it, that she was there.
Q Well, where has she been living the last twenty years? A I dont know anything about that. I claim that I can prove that she belonged to my mother and that she was never sold out of the country and that she was here in the Cherokee Nation in '66, and further than that I say not.
Q You don't know whether she was living here? A Well she was living here when I saw her.
Q Well, how long has it been since you have seen this identical Chaney Graves that you speak of? A It's been six or ten, well I think it was in '94 about that time when I saw her last, somewhere along there.
Q Where was she living then? A Said she was living up in Cooweescoowee District.
Q Well do you know of your own knowledge whether shewas? A No, I said I don't know anything further than what I said.
Q Did you ever see her husband? A No,sir; not to know him.
Q Did you ever hear from either of them while they were living at Humboldt, Kansas? A No,sir.
Q Do you know of your own knowledge they did or did not live at Humboldt, Kansas? A No, I don't.
Q For a number of years? A No.
Q Where was Chaney and Charley Graves married, if you know?
A I don't know anything about that.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen Cases: D-585, D-317 and in D-729, the same being the case at bar.

F. D-729--8.

Arthur G. Croninger, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 5th day of May, 1902.

(Signed) P. G. Reuter,
Notary Public.

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 17 day of June, 1902.

P. G. Reuter
Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Charles Martin,
Chelsea, I. T.
Cherokee F-D-317.
Regd.

Cherokee Freedmen
D-317.

Muskogee, Indian Territory, September 9, 1903.

Charles Martin,

Chelsea, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence of your grandson, Pearl Martin.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, forthe purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledbetter, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mamir, George Adams, Annie Thomas, Lewis McConnell, Gallie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Incl. K-8.
Through the
Commissioner of Indian Affairs.

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Rowell, Henry Mhair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Dixby.

Chairman.

Incl. K-9.

COPY.

Cherokee Freedman
D-317.

Muskogee, Indian Territory, January 24, 1905.

Eliza Martin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. L-35.

Register.

F 40 317 ED 574

INDEXED.

COMMISSION TO FIVE TRIBES.

No.	Received	ANSWERED	
4575		Book	Page
1905	JAN 31 1905		

Martin, Charley,
Chelsea, I.T.,
Cherokee Nation,
Jan. 29, 1905.

Asks status of his case.

Commission to the
Five Civilized tribes

January 29 1905
Chelsea I.T.

I Wonts to know if You
will allow me to ask
of you sumpthing About
my Hair I Wont to know What
have been of my Hair
I will close by
[illegible]
[illegible]
[illegible]

COPY.

Cherokee freedman
D-317.

Muskogee, Indian Territory, February 20, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Charles Martin et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Charles Martin returned to the Cherokee Nation within the time specified in the Treaty of 1866.

The applicant, has therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 9, 1905, and introduce testimony as above indicated. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the points mentioned

Respectfully,

(SIGNED): Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-317.

Muskogee, Indian Territory, February 20, 1905.

Charles Martin,

Chelsea, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself et al., you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether you returned to the Cherokee Nation within the time specified in the Treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, March 9, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the points mentioned.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Nila Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Wann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Ross, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John N. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Fowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Baily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.M.M.
W.

(C O P Y)

D. C. 20877-1905
I.T.D. 2904-1905

W.C.P.
F H R

L R S

DEPARTMENT OF THE INTERIOR

WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Warlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes Bell Davis, Samuel Brown Howard V. Watson, Jack McConnell, Claude Manley, George Reed Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kendar Lampton, Thomas R. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert

William Skaggs, Susie Johnson, Alfred P. Hopkins, Lizzie Vann, Freddie Looney, Lucy Choutoau, Alice Durant, Mahaley Ward, Fred D. Thomas, Hattie Book, Ellis Warr n, Millie Robinson, Mary Webber, Frances Martin, Mary Miley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary M. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Jones, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French , Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers , Abraham Ballard, Laura David, John Backman, James E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isca jones, Alice Gunter, Katie Adair, Carrie martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Hattie Vann Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Willie Vann, Levi Streud, John Sumpter, Sarah Thompson, Allen Sheppard and Lula Melton .

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure

(Signed) Thos. Ryan
Acting Secretary

COPY.

Cherokee Freedmen

D-317.

Muskogee, Indian Territory, April 28, 1905.

Eliza Martin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 26, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Tams Bixby.

Chairman

COPY.

Cherokee Freedman

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

No. 1325.

Muskogee, Indian Territory, April 29, 1905.

Eli Graves,

Catale, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 22, 1905, inclosing affidavit executed on April 22, 1905, showing the birth, on January 23, 1902, of Jefferson Graves, minor child of yourself and Edna Graves. Same being in due form will be filed with and made a part of the record in this case.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-317.

Muskogee, Indian Territory, June 23, 1905.

Charles Martin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby.
Chairman.

Incl. S-67.
Register.

C. 7.

Cherokee Freedmen
D-317 D-244.

Muskogee, Indian Territory, June 23, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the applications for the enrollment of Charles Martin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-69.

COPY.

Cherokee Freedmen
D-317 D-244.

Muskogee, Indian Territory, June 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Charles Martin, et al., as Cherokee freedmen, including the Commission's decision dated June 23, 1905, rejecting said applications.

Respectfully,

SIGNED. Tams Bixby

Chairman.

Incl. S-70.

Through the

Commissioner of Indian Affairs.

Copy

Land.
49288-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 26, 1905.

The Honor able,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 23, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Charles Martin for himself, his minor children, Edna(now Graves) James, Joe and Jennie Martin and his minor grandchild, Pearl Martin; and by Ella Martin for herself.

June 23, 1905, the Commission decided adversely to all the applicants.

The record shows that Charles Martin was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken from the Cherokee Nation during the war, and did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Charles Martin and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

M.M.M. (W)

REFER IN REPLY TO THE FOLLOWING:

Cherokee freedman
R 575

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 28, 1906.

Eliza Martin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed September 7, 1905, by your attorneys for review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

W. O. Beall,
Acting Commissioner.

MMP

Cherokee freedman
D 317

Muskogee, Indian Territory, May 28, 1906.

Charles Martin,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed September 2, 1905, by your attorneys for review in your Cherokee freedman enrollment case was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MMP

Cherokee Freedmen

R 400, et al.

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 9, 1905, by attorneys for claimants in the Cherokee Freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMR

Commissioner

Cherokee Freedmen

R 400 et al.

Muskogee, Indian Territory, May 28, 1906

Blue & Bulger,

Attorneys for Joseph Brown, et al.

Inita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMM

Commissioner

Encl. B-93

Muskogee, Indian Territory, June 11,1906

Swarts & Street,

Chelsea, Indian Territory:

Gentlemen:

Receipt is hereby acknowledged of application for the enrollment as a citizen of the Cherokee Nation of Lawrence Graves, born November 25, 1903.

Respectfully,

WB

Commissioner

D.C.51885 JYJr

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.8531-1905.
9330- "

November 22, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 23, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment of Charles, James, Joe, Jennie, Pearl, and Ella Martin, and Edna Graves as Cherokee freedmen, including its decision of same date, adverse to the applicants.

Reporting July 26, 1905 (Land 49288)-, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a brief in reply to said motion.

There appears to be no properreason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review and reply brief, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan.

First Assistant Secretary

Cherokee Freedmen
D-244.

Muskogee, Indian Territory, December 8, 1906.

Ella Martin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, November 22, 1906, and a motion for review of your case, filed by your attorneys September 7, 1905, denied.

Respectfully,

JMH

Acting Commissioner.

Cherokee freedmen
D-317, et al.

Muskogee, Indian Territory, December 5, 1906.

Blue & Bulger,

Attorneys for Charles Martin, et al.,

Baxter Springs, Kansas.

Dear Sirs:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the application of Charles Martin, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and your motion for review of said case, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-44
JMH

Acting Commissioner.

Cherokee freedmen
D-317, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, rejecting the applications of Charles Martin, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, November 22, 1906, and a motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-43.
JMH

Acting Commissioner.

NE 317.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 3 1901

ACTING CHAIRMAN.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee I.T. Oct 2 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Charles Ingram et al for enrollment as Freedmen of the Cherokee Nation.

Louis T. Brown Atty
Agent for applicants

No. F.D. 317

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
MAY 29
7-PM
1906
IND. T.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Eliza Martin,

~~Chelsea, Indian Territory.~~

M-525

CHELSEA, MASS.
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Cher Fr R 862

Trans. from Cher Fr D 344

Cher Fr R 862

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN. 17 1901

Z.2 344

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of James Martin for enrollment as a Cherokee Freedman.

James Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A James Martin.
Q Who is it you want to have enrolled? A Just myself.
Q How old are you? A I don't know my age exactly.
Q As near as you can? A I guess I am 42 years or something nearabout that.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Nearly all my life.
Q Give me the name of your father? A Joshua Martin.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I don't know exactly, he died not very long after we were taken out of the Nation here during the war.
Q Give me the name of your mother? A Harriett.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Well, she has been dead, I think she died before my father died.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined and the applicant not identified thereon.

Q Who were you with at the time the Wallace roll was made out?
A At the time the Wallace roll was made out, I was in prison.
Q Where? A I was in Arkansas prison.
Q At Little Rock? A Yes, sir.
Q Where were you convicted? A Fort Smith.
Q Where were you arrested? A In Vinita.

The Wallace roll examined, and the applicant identified thereon, page 125, No. 2622, Delaware district.

Q What district were you living in then, what did you call your home? A Why I was working for Mr. Patton down on his ranch, that is south here about 12 miles.
Q What district is that in? A (No response.)
Q What district have you always claimed as your home? A I have lives lots in Cooweescoowee district, I have lived and worked over on this side four or five years, maybe longer than that.
Q This ranch you spoke of is in Cooweescoowee district? A Yes, sir, part of it, and part of it is in Delaware district.

By Edgar Smith, attorney for applicant: Do you know who attended to your enrollment on the Wallace roll while you were in prison?
A Allen Lynch I think.
Q You spoke of having been convicted of some offense, what was that offense? A Manslaughter is what I was convicted of.
Q Where did the killing occur? A Down here on Rock Creek to Patton's ranch.
Q You were tried in what Court? A United States Court at Fort Smith.
Q What is your earliest recollection with regard to the place where you lived, where did you live as far back as you can remember?
A Why down over here about Goone-neck Bend and over on Big Creek and I worked for old man Riley, John Riley, across from Goodys Bluff on the Verdigris.
Q Are all these places you have named in the Cherokee Nation?
A Yes, sir.
Q Have you within your recollection ever lived out of the Cherokee

Nation? A No, sir, not to say lived out, I was in Kansas for a while when I was small but I came back here.

Q How small were you? A I guess that I was 12 or 13 years old, somewhere along there.

Q You say your father and mother both died? A Yes, sir.

Q You state that your father died during the war; when did your mother die? A Well, right after the war I think, just a short while after.

Q Where were you born? A I was born down here on Grand River.

Q In the Cherokee Nation? A In the Cherokee Nation.

Q Have you and brothers or sisters? A I have a sister and a brother; John Lynch is my brother, he is on the 1880 roll.

Q And who is your sister? A Mary Martin, or Watson.

Q Where does she live? A She lives here in Vinita.

Q Where was she born? A Born here on Grand River, Cherokee Nation

Q Was she taken out the same time you were? A Yes, sir.

Q Was she brought back at the same time? A Yes, sir.

Q Now what is your brother's name? A John Lynch, son of Al Lynch.

Q Do you know whether John Lynch is on the 1880 roll or not?

A Yes, sir, I think he is on the 1880 roll.

Q Where were you Jim in 1880? A In 1880, I was either out here working for John Webber or over here on Big Creek, one of these places; I worked for Jim Martin out on Big Creek quite a number of years, working for a man by the name of Al Burton on his place.

Q When were you working for Al Burton? A I worked for him in a part of '78 or '79.

Q And where were you in 1880, with reference to being in the Cherokee Nation, were you in it or out of it? A I was in it.

Q Do you know who you were working for in 1880? A I think I was working for John Weaver on Mustang, I am not certain, but I think I was, either there or on Big Creek for Jim Martin.

Q How long did you work for Weaver? A About two years.

Q How long did you work for old man Burton? A Bewteen five or six years, worked for Jim Hall a year or more.

By J. S. Davenport, Cherokee attorney: Who did you belong to before the war? A My father belonged to Joe Martin and my mother belonged to the Lynch family.

Q To Joe Lynch? A Yes, sir, I suppose so.

Q What was your mother's name? A Harriett.

Q Well now, you don't remember when you came back to the Cherokee Nation after the war, do you? A No, sir, I was small.

Q You don't know any reason why you are not on the roll of 1880?

A No more than this: You see we had nobody to look after us and we were orphan children and I wasn't old enough, I didn't have knowldge enough to have interest enough to know that being placed on these rolls amounted to anything.

Q Well you were grown in 1880 weren't you? A Yes, sir, I was somewhat, I don't know my age exactly, but I have been going around and working for myself and doing for myself nearly all my life.

Q Where were you in 1896? A I was here.

Q Why were you not on that roll? A Why, I supposed that I was on that roll, I was working for Mr. Frazier in 1896, been working for him nearly seven years, or about that long, and I thought my wife enrolled me.

Q When you can first remember, you were living at what place in the Cherokee Nation? A When I came back I was living over here on Goose Neck.

Q Over on the Verdigris? A Yes, sir.

Q What Cherokee family lived near you there, if any? A I don't really know, but about a year or two after that I worked for John Riley across the Verdigris at Goodys Bluff, I worked abouta year for him in '72 and '3.

Q Do you know who brought you back to this country? A Jess Rowe.

Mr. Smith: Is Jess Rowe dead or alive? A He is dead.

Q You were asked about why you are not on the 1880 roll; do you have any recollection of the time when the 1880 roll was being taken?

A Well, I think that I do; there was one roll they made, and part of the time I stayed at my aunts, and the first time she was enrolled, that was Mahaley Brown, and I think I was on Big Creek or here at John Weaver's, because I came from near Big Creek over to see uncle Wils that lived over on Grand River, and John Weaver was sick and wanted some ody to attend to his stock and I went to work for him and next for Jim Hall and next for Patton and have been working around in here ever since.

Q Why didn't you enroll on the 1 80 roll, or try? A Well, I just didn't know, and I didn't have knowledge to know the interest of it, and then after I found I wasn't on the 1880 roll I spoke to old man Downing, a Cherokee living over on Big Creek, and he told me, he says you are not on that roll Jim, you will have to take two witnesses and go to Tahlequah and be identified and who you belonged to and they will place you on the roll, mand says if you will pay my expenses and pay me for going, I will go with one, and I will find someone down there that knows you, I knew your father and know all about you, and I was working on a threshing machine and was making two dollars a day and the amount that I drew was $15.50 and I just didn't have sense enough to take advantage of that or know the importance of being on all these rolls, and just let it go.

Mr. Davenport: You belonged at one time to a man named Harrison before the war? A Not that I know of.

Q Didn't you belong to him at the time of the war? A man by the name of Harrison, who was a United States citizen, and didn't your mother and father, or your mother at least, with whom you stayed at that time, belong to a man named Harrison, who was a white man and not a citizen of the Cherokee Nation? A Well, I don't know, my mother always stayed on Joe Lynch's place on Grand River, that is to my recollection; I was small, but I always thought that, she always told that, and thought my mother belonged to Joe Lynch and uncle Joe Martin down here told me that I belonged to him.

Q The Lynch family you have reference to is the one that Judge Lon Lynch belonged to, the same family? A Yes, sir, I think so.

Q Have you seen him here since you came, or do you know Judge Lynch? A Yes, sir, I saw him here, the man they said was him.

Commissioner: How old did you say you were when you returned from Kansas? A When I came back down here the second time?

Q I mean the first time after the war? A I was small, I reckon about seven or eight, maybe ten years old, I don't know just exactly neither.

Q Who did you come with? A I came with Jess Rowe.

Q W o f your family came with you? A Me and my sister I believe.

Q Give me the name of your sister? A Mary Martin.

Q Did your brother John come with you? A Yes, sir, we were there at his house when my mother died.

Q You and John came together, did you? A Yes, sir, I think so.

Q Is John your full brother? A He is my half brother, same mother but different fathers.

Q Well Mary Watson, is she your full sister? A Yes, sir, she is my full sister.

Q You remember when you came back from Kansas, do you remember the trip? A No, sir, when I first came back I don't remember very much about it.

Q Then you were taken back to Kansas, were you? A Yes, sir, after we came down here a preacher, a missionary, a man by the name of Buchanan, he promised to take me and my sister and raise us and educate us and take care of us, and Al Lynch here consented for him to take us, and Millie Frye down here taken John Lynch and raised him with her family.

Q And this missionary took you to Kansas? A Yes, sir, taken me

to Kansas.

Q How long did he keep you there? A I reckon I stayed with him nearly a year and I run off from him.

Q And came back where? A Well, I didn't come direct back here, but I left from him, and went to Eudora, Kansas, and worked for a doctor there about four or five months, and then I came to Ottowa and then I came back to Coffeyville and then down to the Nation.

Q You were a good size boy? A Yes, sir, I was quite a chunk of a boy.

Q About how old were you when you ran off? A I guess I must have been about 14 years old.

Q When you ran off from this missionary? A I was about 12 to the best of my recollection.

Q You can't speak definitely about it? A No, sir, I was about that age.

Q How long had you been in the Cherokee Nation before you went back to Kansas with that missionary? A Not very long, to the best of my knowledge.

Q What was your sister's name in 1880? A Her name was Mary Watson.

Q Has your sister applied for enrollment? A Yes, sir.

Q And is her name Watson now? A Yes, sir.

Commissioner: Counsel for the applicant says that his sister Mary Martin has not applied yet, and that her status is the same as the applicant. John Lynch, who is said by the applicant to be his half brother, and to have had the same mother, is enrolled on Cherokee Freedman straight card No. 826, and is identified on the 1880 roll, page 281.

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David Martin, being duly sworn by Commissioner Bredinridge, testified as follows:

Mr. Smith: What is your name? A David Martin.

Q Where do you live? A I live up in Cooweescoowee district.

Q What post office? A Coffeyville, Kansas.

Q How old are you? A 64.

Q How long have you lived in the Cherokee Nation? A All my life, only during the war, the commencement of the war.

Q Do you know James Martin, who is the applicant in this case? A Yes, sir.

Q How long have you known him? A Knowed him since he was a little bit of a baby.

Q Did you know his father? A Yes, sir.

Q Who was his father? A John Martin.

Q Did you know his mother? A Yes, sir.

Q Who was his mother? A Harriett Harrison.

Q When did you know Jim first, about what time? A I knowed Jim in I guess in '58 or '7 or '9, I knowed him three or four years before the war, maybe longer.

Q Where was he when the war commenced? A He was over at Lynch's

Q What Lynch was that? A Joe Lynch.

Q Do you know to whom his mother belonged? A Belonged to Joe Lynch as most of the slaves did, I learned that Joe Lynch bought her from Harrison.

Q Was Joe Lynch a Cherokee indian? A Yes, sir.

Q A citizen of the Cherokee Nation? A Yes, sir.

Q Did James Martin have any brothers or sisters? A One by the name of Mary and one by the name of John and one sister by the name of Lizzie I think.

Q Was Mary younger or older than James, or do you know? A I think James is the oldest, I am not certain, I don't know exactly the two ages; Mary may be the oldest; it has been so long, but I think she had two little children, had three; there was one wasn't none of

Josh's when he had her.

Q Who was the father of Mary? A Josh claim to be.

Q Mary and James were full sisters and brothers? A Yes,sir.

Mr. Davenport: Now you knew the applicant's mother? A Yes,sir.

Q How long did you know her before the war broke out? A I know her I guess probably ten years.

Q How far did you live from her? A I lived — sometimes we were all right together.

Q How far was your home from where hers was? A It was about five or six miles.

Q Did you know before the war broke out a man by the name of Harrison, who looked after the cattle of Joe Lynch and stock?

A Yes, sir.

Q I will ask you if Harrison didn'town Harriett, if Harriett didn't belong to Harrison when you first got acquainted with her? A She did

Q Qnd if she didn't belong to Harrison at the breaking out of the war? A No, sir, two or three years before I left here, I went to the woods in '60, and she belonged to Lynch when I run off in the woods, when I was scouting.

Q Did you know Lynch's daughter, Nancy, or Harriett; did Lynch have any children at that time, Joe Lynch? A He had a host of children.

Q What was the name of the children? A Chick and Lon and Joe and Caroline and Brack.

Q They were living there at the time you knew this woman? A Yes,sir

Q Where did Jims father live at that time, the applicant here?

A He lived with me.

Q Was he your brother? A No, sir, belonged to the same man I did.

Q He lived about four or five miles from where Harriett lived?

A I don't know exactly, I never measured it, we walked up there any time we wanted to.

Q Same neighborhood or locality? A Yes, sir.

Q Do you know where Jim went during the war, his parents? A Well, I seen Jim with his father and mother in Kansas in '63.

Q You don't know when they came back? A No, in '63 I was in Kansas and visited Josh and his family, and he had Mary and Jim.

Q You have told me you saw them up there, when did they come back. to your knowledge, to the Cherokee Nation? A Well, if you will let me tell you I can tell you; I went on in the army in '63, and in '66 when I came back coming home that way they wasn't there, they was done left Kansas, and had come to the Nation.

Q How do you know they had come to the Cherokee Nation? A I went to see them and they had left for the Nation.

Q You don't know where they had gone? A No, sir, that is what was said.

Q You know they had left that part of Kansas? A Yes,sir.

Q What part of Kansas was that where they were living? A A little Southwest of Lawrence.

Allen Lynch, being duly sworn by Commissioner Breckinridge, testified as follows:

Mr. Smith: State your name? A Allen Lynch.

Q How old are you? A 61 years old.

Q What is your post office? A Vinita.

Q Do you know James Martin, the applicant? A Yes,sir.

Q Do you know his sister, Mary Watson? A Yes, sir.

Q Do you know who the father of James and Mary was? A Yes,sir.

Q Who was he? A Joshua Martin.

Q Who was the mother of these children? A Her name was Harriett.

Q When did you first know these children? A I have knowed them ever since they were born.

Q Which is the older? A Jim.
Q About ~~xxxxxxxx~~ how much? A About 2 years the oldest.
Q Where were they when the war commenced? A They were living over there on the Six-mile Bend.
Q In what Nation? A In the Cherokee Nation.
Q Do you know whether they went out or were taken out during the war or not? A They were taken out time of the war, yes, sir.
Q Do you know whether they were brought back? A Yes, sir.
Q When were they brought back? A Brought back somewhere along in the summer of '66, I can't tell just exactly.
Q That was in the year '66? A Yes, sir.
Q Who brought them back? A Uncle Jess Rowe.
Q Is he living or dead? A He is dead.
Q Where were they brought to? A Brought down to Simon Lynch's.
Q At what place did Simon live? A We were living over there on Mustang between Cabin Creek and Mustang.
Q How far from over there? A 15 or 16 miles from Vinita.
Q How long did they remain in the Cherokee Nation then; or I will ask you with regard to Jim, how long did Jim remain before he went away again, do you know? A They were not down there only a week or ten days before they went away.
Q Where was the father and mother at that time? A Their mother was dead.
Q Was the father living? Was the father dead too? A I can't tell you whether he was dead or not, I think he was dead, I am pretty certain he was.
Q Was this man Josh Martin, I believe you call him, were he and this woman Harriett man and wife? A Was before the war? A Yes, sir.
Q Were both these children known and recognized as his children?
A Yes, sir.
Q How long have you known James Martin here in the Cherokee Nation; was he here in 1880? A I believe he was here in 1880? ~~A~~ I will not be sure.
Q You know to whom his father Josh Martin belonged? A Yes, sir, I know who he belonged to.
Q Who did he belong to? A He belonged to Joe Martin.
Q Was Joe Martin a Cherokee and a citizen of the Cherokee Nation?
A Yes, sir, we used to work together.
Q Who did this woman belong to, the mother? A We always supposed she belonged to Joe Lynch, we always lived in the same place together, he controlled us all.
Q Do you mean you were on the same place with the mother of James Martin? A Yes, sir.
Mr. Davenport: What do you know about to whom she belonged, anything? A Nothing particular, only we all lived there, and ~~as~~ I have heard Joe Lynch ~~was~~ say we all belonged to him.
Q Did you ever hear Joe Lynch say Harriett belonged to him?
A Yes, sir, Harriett and Harrison both.
Q Harrison was a white man was he? A Yes, sir, he was a white man, he controlled us.
Q Harrison had a negro woman, a colored woman, that was named Harriett, that belonged to him? A Yes, sir, yes she was there.
Q He was the boss? A Joe Lynch was the boss.
Q Was Joe Lynch the father of Lon Lynch? A Yes, sir.
Q Lon was there at the same time? A Yes, sir, ~~xx~~ he was there.
Q Do you know where these people went during the war, Jim? A Yes, sir.
Q Where did they go? A Went up to Kansas, I don't know whereabout in Kansas.
Q When they came back, who was living near where they returned to, what Cherokee families? A There wasn't any there, wasn't any Cherokee families there.
Q Was there any Cherokee families living near where you were living

at the time they came back? A Northing but Jess Cochran, he lived about five miles of us.

Q You testified before the Kerns-Clifton Commission in this case?

A I don't know as I did, I mig t have.

Q Dont you know you did? A Yes, sir, I know I did.

Q In giving your testimony in this case, you didn't testify as follows: "Bob Daniels and Dick Downing lived near me in 1866."?

A You have got that wrong, it is Bob Downing.

Mr. Smith: I object to its being called a record.

A I said Bob Downing and Dick Downing lived near us; that is right; I had forgot that; Bob Downin and Dick Downing lived near us, yes, sir; Bob Downing, it is not Daniels.

Q Where has Jim Been living since that time, do you know? A Jim, he has been to the best of my knowledge, here around; the first time I seen him he was working around on Big Creek.

Q Are you able to state whether or not he has resided continuously in the Cherokee Nation since that time? A No, sir.

Mr. Smith: I didn't understand there was a question about his residence; I understood the question was about the ownership.

Mr. Davenport: Yes, there is a question about everything; there is a question about his being a slave, about when he returned, and a question about whether he stayed here when he did return.

James Martin, recalled, testified as follows:

Commissioner: You say you russled for yourself a good deal in your erly life? A Yes, sir.

Q Your father and mother died when you werevery young? A Yes, sir.

Q While you were around making a living for yourself, where was your brother John, your half brother, John Lynch? A He was down here on Grand River.

Q Who was he living with? A He made his home with Millie Frye, she taken him.

Q How old is John Lynch now? A He is about in thirty I reckon, to the best of y knowledge.

Q Well up in thirty? A Yes, sir.

Q Where is he living at this time? A Living out on Pryor Creek.

Q In the same neighborhood where he lived when a child? A No, sir, that is west of here, I expect about fifteen or sixteen miles.

Q Did he rove around like you did? A No, sir.

Q Were these people kin folks that he lived with? A Yes, sir.

Q What kin? A Millie Frye I think was either his aunt, I think his aunt; I don't know whether she is a half sister to Al Lynch or a first cousin, they are related.

Q You and John, I understand you to say, have the same mother?

A Yes, sir, the same mother.

Mr. Davenport: Who was John's father? A Al Lynch.

Q That testified here? A Yes, sir.

Mr. Smith: You stated I believe that you were probably twelve or thirteen years old when you came back from Kansas the last time?

A Yes, sir.

Q Have y u ever lived outside of the Cherokee Nation since that time? A No, sir.

Commissioner: Have you ever bee outside of the Cherokee Nation except when you were carried off for tiral and imprisonment? A No, sir.

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Simon Lynch, being duly sworn by Commissioner Breckinridge, testified as follows:

Mr. Smith: What is your name? A Simon Lynch.

Q How old are you? A About 72.
Q Where do you live? A I live on Grand River.
Q What is your post office? A Spavinaw.
Q Do you know James Martin, the applicant in this case? A Yes,sir.
Q How long have you known him? A Knowed him ever since he was a child, off and on.
Q Do you know whether he was taken out of the Nation, Cherokee Nation, during the war, or not? A Yes, sir, he was taken out.
Q Do you know whether he was brought back, or whether he came back afterwards? A He was brought back, some colored folks fetched him back.
Q Do you know who they were? A Yes, sir uncle Jess Rowe.
Q When was he brought back? A It was in '61 I believe; '66 I think it was.
Q Do you know his sister Mary? A Yes, sir.
Q Was she younger or older than he? A Older.
Q You know she was older? A Yes, sir, older.
Q Aren't you mistaken about that? A Yes, sir, born right on my master's place both of them.
Q You think she is older than Jim? A I know she is.
Q Was she brought back too? A Yes, sir, both of them.
Mr. Davenport: You say Jim was brought back in '66? A Yes,sir.
Q What makes you remember it was in '66? A Because they come to my house.
Q You remember distinctly each year when anybody comes to your house? A I know where I was living at that time.
Q Were you only living there the one year? A No,sir.
Q Have you lived there continuously? A No, sir.
Q How long did you,live at that place? A About four months, I made a crop on the Creek and moved to that place.
Q You never lived at that place but about four months? A About four months.
Q Then where did you go? A Moved over on George Clark's place on the river.
Q When did you move there? A In the fall of '66.
Q They had come to your house before you moved to George Clark's place? A Yes, sir
Q How long did you stay in George Clark's place? A Three or four months.
Q Then where did you go? A Built on a place of my own, on the place I am living at now.
Q And that is what makes you know it was in '66? A Yes.
Q You came back to the Territory when? A '65.
Q You didn't wait for the war to close? A No, sir, I came down here in '65.
Mr. Smith: Are you a Freedman of the Cherokee Nation? A Yes,sir.
Q On the 1880 roll? A Yes, sir.

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Allen Lynch, recalled, tedtified as follows:
Commissioner: You are the father of the John Lynch we have been talking about, are you? A Well, yes sir.
Q Were you married to his mother Harriett? A I was then, yes,sir.
Q When were you and Harriett married? A Well, I can't tell you the year.
Q Where were you married? A Well, it was down on Grand River, about six miles or seven miles from where the old man Joe Lynch lived.
Q That is since the war you married her? A No, sir, way before the war.
Q How old do you call John? A John, I call him, John was a baby a year and a half old in '62; '63 we went out of here I think it was.

Q How old would you call this man James Martin, son of Harriett? A Jim must be about ten years old when he went out of her; I can't tell you exactly, he might have been older and might not have been so old.

Q Jim is a little older than he thinks he is; he is somewhere about 45 or up there? A He is older than that.

Q Jim was born when you married Harriett? A Yes, sir.

Q That is this Jim Martin now? A Yes, sir.

Q Were you ever married before you married Harriett? A No, sir.

Q Had she ever been married before she married you? A Yes, sir.

Q Toowhom had she been married? A Married to a man named Josh Martin.

Q Was Josh Martin her first husband? A No, sir, I guess not.

Q Was Josh Martin a slave in the Cherokee Nation at the breaking out of the war? A Yes, sir.

Q Did he belong to a Cherokee citizen? A Yes, sir, Joe Martin, a Cherokee man.

Q This woman Harriett was then your wife at the time the war broke out? A No.

Q Had you and she parted? A We had quit when the war broke out.

Q You had quit before that? A Well, about the time of the war.

Q Was she a slave at the time you married her? A Yes, sir

Q To whom did she belong? A She was living with Chick Lynch.

Q Is that a Cherokee citizen? A Yes, sir, Lon Lynch's brother.

Q Did she belong to him? A I don't know, I can't tell, I couldn't tell anything about negroes as them days.

Q You were a slave yourself? A She was there working like I was, I couldn't tell about them.

Q Was she free? A No, sir, she was working there.

Q She wasn't working for wages? A No, sir, she was working and living with us.

Q Was she a colored woman? A Yes, sir.

Q When she was your wife you certainly knew whose slave she was? A We always claimed she belonged to Joe Lynch.

Q Do you know positively to whom your wife Harriett belonged; don't you know who her master was? A No, sir, we were all together.

Q She was your wife and you didn't know who she belonged to? A She was living there with us.

Q Who did she claim as her ~~mithex~~ master? A We all claimed that she belonged to Lynch, that is all I can tell you.

Q Is that this man you call Chick? A No, Joe Lynch, the old man.

Q You claimed that you belonged to Joe Lynch? A That Joe Lynch had --

Q Hold a minute; you claimed at the time you were married to Harriett you belonged to Joe Lynch? A Joe Lynch, we were all living there together.

Q Who were you working for? A Joe Lynch.

Q You were living on his place? A Yes, sir.

Q Well, what has this man Chick got to do with it? A Well, that was his boy, after the old man died --

Q That is his son? A Yes, sir.

Q When did Joe Lynch die? A Well, sir, I can't tell you whether he died in '61 or in '60, I can't tell you exactly.

Q Along about the beginning of the war? A Yes, sir, he started to Hot Springs and he died.

Q Now at the time Joe Lynch died did you recognize that he was the master of ~~this~~ yourself and of this woman Harriett? A Yes, sir.

Q If you had been put up to be sold who would have sold you? A I would have thought Chick Lynch would have sold me.

Q Joe Lynch wasn't dead, I am talking about Joe Lynch? A I would have thought Joe Lynch would sold me.

Q After Joe Lynch died, did you still live on the Joe Lynch place? A We lived on there about a year, I reckon, before we moved from

there, and went about four or five miles from there; his son Chick was down there.

Q After Joe Lynch died who had control of you? A Chick Lynch.

Q Did you recognize him as your master? A Yes, sir.

Q Where was this woman Harriett? A On the same place.

Q Did she recognize Chick Lynch as her master? A Yes, sir, that is what she die.

Q Did you recognize that Chick Lynch had the right to sell her or do what he pleased in that way? A Yes, sir, I did.

Q Was there ever any question raised as to her belonging at that time to anybody except Chick Lynch? A No, sir, not to my knowledge; this man that brought Harriett there was living with us too.

Q What was his name? A Harrison.

Q Who was Harrison, was he a Cherokee citizen? A No, sir, he was a white man.

Q You say he brought Harriett there? A He brought her there when she first came there.

Q And did he continue to live there? A He lived there until the war came up; not before the war came up, during of the war, why then Chick brought me out.

Q I am after finding out something about Harriett. When did this man Harrison bring Harriett there? A I can't tell you.

Q Was that before you married her? A Yes, sir, five or six years before.

Q Then it was a long time before the war? A Yes, sir.

Q Did this man Harrison continue to live on this place until the war broke out; what became of this man Harrison? A You want me to tell you where he lived and where Lynch moved him; Lynch moved him around like he would move around the balence of us negroes.

Q Where did Harrison come from? A I don't know, I don't know where he came from.

Q He brought Harriett with him, did he? A Yes, sir.

Q You don't mean to say Harrison was a slave of Lynch? A No, sir, but he served like one.

Q Did Harrison live with Lynch or on Lynch's place under Lynch's direction all the time until the war came on? A I have told you all as far as I know.

Q What did he seem to have to do with this woman Harriett? A She was a cook there with us.

Q Did she ever speak of him as her master? A She called him master, yes, sir, and we called Lynch master.

Q I am speaking of this in the sense of owning her; did she ever speak of Harrison being her owner? A No, sir, not particular, that is all she called Lynch, master, and we called him master.

Q You know that is not what I am talking about. A You mean did she ever speak of him being her master?

Q Being her owner? A Yes, sir.

Q Well, tell me about that; did she ever speak of Harrison as being the man who owned her? A Yes, sir, she said so.

Q Did she say so all the time? A Always said so, yes, sir, and always lived with him.

Q So then as far as her belief and statement went, she was the property of Harrison? A Yes, sir.

Q Did Harrison ever sell her that you know of? A Not as I know of unless he sold her to Joe Lynch.

Q You don't know that he did? A No, sir.

Q Did Harrison seem to own any other slaves except this woman Harriett? A Nothing except her and them children.

Q How many children did she have that appeared to belong to Harrison? A They was George and Jim and Mary and John that she had when she was there.

Q He just seemed to own that woman and that set of children? A That is all, and that is all that lived with him.

Q Now your child John was born before the war, was he? A He was just about a year old or a little over when the war came up, just beginning to crawl around.

Q Did you consider that John belonged to Lynch or belonged to Harrison? A I considered him belonging to Lynch.

Q And that his mother belonged to Harrison? A Well, we were all there together, of course I thought we all belonged to him.

Q How can you make that contradictary statement, because you told me your wife always calimed to be the property of Harrison? A Well Lynch controlled us all is what I am trying to make you understand; what he said went with us.

Q Being under his orders is one thing and being his property is another? A I can't tell you about that, because I don't know how they managed their things.

Q Lynch seemed to be in general control and authority there, did he? A Yes, sir.

Q Well, then when you moved out during the war, where were you taken A Me, I went to Kansas.

Q Where was this woman Harriett taken? A She went to Kansas.

Q Did she go along at the same time you did? A No, sir.

Q The Union soldiers took you up? A I went up alone.

Q When did Harriett go? A She went after the troops came down here.

Q And what had become of Harrison at that time? A Why they killed him.

Q Killed in a fight down here? A No, I think the Cherokees came over and killed him.

Q What became of Lynch; he died? A Yes, sir, he died.

Q What became of his son Chick? A They killed him I think about the same time.

Q And that broke up the whole question of ownership and everything of that kind? A Yes, sir.

Mr. Smith: Did you ever hear of any statements between Lynch and Harrison with regard to who owned this woman, and these children, as between themselves; did you ever hear any controversies or disputes?

Mr. Davenport: I don't think that would be competent.

Commissioner: It would be competent to show who claimed ownership.

A I have heard Lynch say time and again that Harrison and all his negroes belonged to him.

Q Did he say why? A He would get a little mad at him and order him to do something and he would send some of them to tell him to go do so and so, and he claimed to belonged to him, I don't know whether he belonged to him or not.

Q What was the reason, if you know, that Harrison was treated in that way?

Mr. Davenport: I object to that as being immaterial in this case.

Commissioner: It might be material.

Q Can you answer that; I asked you why this man Harrison permitted Lynch to order him about in that way; do you know? A Why you see after Lynch went and got Harrison there he put him on the ranch and he gave him so many cattle to take care of, and we had to make lots and make crops for him, us follows did, and whatever he authorized Harrison to do that he had to do, and I can't tell you anything, that has been a long time ago.

Q Either one of them owe the other? A I suppose Harrison must have owed Lynch, or he wouldn't have been dogged around there.

Q Do you know? A No, sir, I never seen him receive a dollar in my life.

Q Do you know whether Harrison ever made a conveyance of these negroes, if he owned them? A To Lynch, no sir; if he did I didn't know it, I can't tell you whether he ever made any conveyance, I have

always heard Lynch say Harrison borrowed money from him, but I don't know that.

Q You don't know which one owed? A No, sir, I don't know which one borrowed money.

Mr. Davenport: Harrison acted in the capacity of what was known atthat time as an overseer of the plantation and cattle? A Yes, sir, and Lynch acted as master.

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Columbus McNair, being duly sworn by Commissioner Breckinridge, testified as follows:

Mr. Smith: State your name? A Columbus McNair.

Q Where do you live? A I live in Vinita.

Q How long have you lived there? A I lived in Vinita 12 or 14 years.

Q Do you know James Martin the applicant in this case? A Yes, sir.

Q Do you know his sister Mary Watson? A Yes, sir.

Q How long have you known them? A I have known them ever since they were small; I have seen them before the war.

Q Did you know the mother? A Yes, sir.

Q What was her name? A Harriett.

Q Where did she live? A I first seen her at Joe Lynch's.

Q To whom did she belong? A I am not save to say exactly to whom she was belonged, she was right at Joe Lynch's when I seed her.

Q What was she doing? A Just right there on the place with them around with the rest of the colored people.

Q What work; did she have any special work? A I can't say that, I can't say that she had any special work to do.

Q How long was she at Joe Lynch's place? A I am not able to say that, I can't say how long had she been there.

Q You don't know who she belonged to? A No, sir, I don't really know.

Q Of your own knowledge? A Of my own knowledge, I don't really know; I have always just like this, I just thought she belonged to Mr. Lynch, she was on the place.

Mr. Davenport: I object to what he thought about it.

Commissioner: He can give the belief he had there.

Mr. Davenport: I object because he has already tated he didn't know to whom she belonged.

Commissioner: Well, that is immaterial.

Q What led you to believe she was a slave? A Well, I can't tell anything about it, she was right on the place with Mr. Lynch's other colored people, and I just supposed she belonged to Mr. Lynch; I can't tell whether she belonged to him or not.

Q You saw her there with the people who did belong to Lynch?

A Yes, sir.

Q And on Mr. Lynch's place? A Yes, sir.

Q And at work there? A Yes, she was right there with the balance of the women.

Q Did you everhear at that time any question raised as to her not belonging to Lynch? A No, sir, I never heard anything about it.

Mr. Davenport: I object to that question.

Commissioner: He has already stated he didn't know whether she did or not.

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C. L. Lynch, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A C. L. Lynch.

Q How old are you? A 60.

Q What is your post office? A Stilwell.

Q How long have you lived in the Cherokee Nation? A Born and raised here.

Q Give me the name of your father? A Joseph M. Lynch.

Q Your father was a recognized citizen of the Cherokee Nation was he? A Yes, sir, a Cherokee.

Q How long has he been dead? A He died in 1861.

Q Did he own a slave by the name of James Martin? A No, sir.

Q Look around and see that man (indicating applicant). Did he ever own that man? A No, sir.

Q Did that man ever live in your father's place? A Yes, sir, his master was a man by the name of John Harrison, who came in the country, a non citizen.

Q Where did John Harrison come from? A I don't know where he came from when he came to the Nation, but he was a South Carolinian, he claimed to be.

Q He didn't claim to be a Cherokee citizen? A No, sir.

Q Did he bring some slaves with him? A Yes, sir.

Q Did he bring a slave woman named Harriett? A Yes, sir.

Q Did she marry a colored man named Josh Martin? A Well, she lived with him, I don't know whether she married him or not.

Q To whom did that colored man belong? A Belonged to the estate of Sarah Martin.

Q Was Sarah Martin a Cherokee citizen? A Yes, sir.

Q Well now this woman Harriett, at the time she was freed by the war, was she still a slave up to that time of this man Harrison? A She belonged to John Harrison.

Q Was this man James Martin recognized in that day as the property of this white man Harrison? A He was just a child at that time, quite young.

Q He was recognized as Harrison's property? A He was recognized as John Harrison's property. J. M. Lynch's property was valued and scheduled; Harrison's property was never placed on the schedule as Ji M. Lynch's property.

Mr. Smith: I will object to that; it is not the best evidence.

Commissioner: It is proper, as a circumstance of his knowledge.

Q These people were all slaves at the time they were freed by the war, were they? A Yes, sir, they were slaves in '61.

Q Did your mother survive your father? A My mother died first, both died the same year.

Q Did you have brothers and sisters at the time your father died? A Yes, sir.

Q Did any of your father's heirs inherit this woman Harriett or any of her children? A Never did.

Mr. Smith: You say your father died in '61? A My father died in 1861, my mother died in 1861.

Q Well, about when was it that the negroes all went out, or the greater part of them, went out of the Cherokee Nation? A About July, 1862; I know I went out with them a prisoner.

Q How old are you? A I am 60; 60 the 9th of this month; I was born in 1841.

Q With whom did you go out? A I went out with the Government soldiers, I went out as a prisoner of war.

Q And at the same time they took the slaves did them? A The slaves went first.

Q Did they go before or after you went? A Went about the same time; I saw them all along the road.

Q They commenced going before June, 1862, did they? A No, 1862 was the bust up here, about July, 1862.

Q Where were you living? A Living over here on Grand River at what is called Lynch's prairie.

Q Were you living at that place at the time the war broke out? A Yes, sir, lived at that place.

Q The mother of James Martin, Harriett, lived there, didn't she?
A Not that I can recollect of; John Harrison had control of them up till the bust up.
Q Where was John Harrison? A There in the neighborhood.
Q Wasn't on your place? A He wasn't on out home place, he attended the ranch for my father; John Harrison was a non citizen.
Q Didn't this women, who was Jim Martin's mother, live on your father's place? A Well, the place belonged to my father, but then John Harrison was living there too.
Q Didn't she live where the slaves of your father lived? A No, sir
Q Was there an entirely separate and distinct set? A Yes, sir.
Q Then your father didn't have anything to do with these people at all? A Nothing that I know of, nothing at all.
Q Do you know whether your father ever claimed them or not?
A No, sir, never did to my knowledge.
Q You never heard him ~~xxx~~ or Harrison have any dispute about them? A None whatever.
Q Did Harrison owe your father anything? A Nothing that I know of; they were known and recognized as Harrison's property at that time, and the Lynch darkies were valued and placed on a schedule and these Harrison darkies were never valued and placed on the schedule as J. M. Lynch's property.

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Commissioner: The applicant is identified on the Wallace roll, and claims to have lived in the Cherokee Nation all his life, except a brief absence in Kansas during and immediately after the war. For the further consideration of this case, he will be listed for enrollment as a Cherokee Freedman on a doubtful card, and attention is particularly called to the testimony relating to the ownership of his mother, Harriett Martin, who it appears was a slave in the Cherokee Nation at the time of the Civil war, but it is ~~xxx~~ claimed that she and her child, the applicant, were the property of one Harrison, a white man, and a non citizen of the Cherokee Nation. The fuller decision of the Commission will be made known to the applicant at his post office address.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of May, 1901.

Commissioner.

VB. J.D. 344

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 16 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date: May 16, 1901

Post Office: Vinita I.T.

District: Cov.

1. Name: James Martin — Age: 42.

Father — Owner's name: Joe Martin — Citizenship: Choctaw

Year: Dawes — Page: 125 — No.: 2622 — District: Del.

Parents:

Father: Joshua Martin — Citizenship: Choc.

Mother: Hannah " — Citizenship: "

2. Name of wife — Age:

Owner's name — Citizenship:

Year — Page — No. — District

Parents:

Father — Citizenship:

Mother — Citizenship:

Names of Children:

3. Year — Page — No. — Dist.
4. Year — Page — No. — Dist.
5. Year — Page — No. — Dist.
6. Year — Page — No. — Dist.
7. Year — Page — No. — Dist.
8. Year — Page — No. — Dist
9. Year — Page — No. — Dist.
10. Year — Page — No. — Dist.
11. Year — Page — No. — Dist.
12. Year — Page — No. — Dist.

Application made by: Jno. P. Jones — Stenographer: Jones

No. 1 App. by Mellette and Souther Vinita

F. D. 344

[illegible]
[illegible]ON TO THE FIVE [illegible]
FILED
[illegible] 31 1901
[illegible] ACT[illegible]

NOTICE!

In the matter of the application of James Martin for enrollment as a Cherokee Freedman.

Case No. D 344

To James Martin

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Chelsea Indian Territory, on the following dates, to-wit: May 31st A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 30th day of May 1901.

R. B. Bell
W. H. Hastings
J. S. Davenport

Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to on the day of A. D. 1901.

Subscribed and sworn to before me this MAY 30 1901 1901. J. C. Clark Notary Public.

S U P P L E M E N T A L T E S T I M O N Y .

F.-D.#344.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1st, 1901.

In the matter of the enrollment of James Martin as a Cherokee Freedman; the following supplemental testimony is offered on the part of the Cherokee Nation.

APPEARANCES:

Messrs. Mellette & Smith, Attorneys for Applicant.
Mr. W. W. Hastings, Cherokee Representative:

JAMES M. BELL, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give je your name? A James M. Bell.
Q How old are you? A 69 years old.
Q What is your post office? A Needmore.
Q How long have you lived in the Cherokee Nation?
A Since '39 with a little exception.
Q Were you out during the war? A Part of the time, my family I took to Texas.
Q Have you otherwise lived in the Cherokee Nation since 1839?
A Yes, sir.

BY MR. HASTINGS:

Q Did you know Joe M. Lynch? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Did you know John Harrison? A Yes, sir, I knew John Harrison.
Q Was he a citizen of the Cherokee Nation? A No, sir, he was a non-citizen.
Q Citizen of the United States? A Yes, sir.
Q Did you know where Harrison was from, what State? A He was from South Carolina, has native town I guess was Columbia, that was the place he lived.
Q Did you know a colored woman by the name of Harriet?
A Yes, sir.
Q Who owned her? A John Harrison.
Q I will ask you if you know Jim Martin? A No, sir.
Q You don't know him? A No, sir.
Q I will ask you if you were not one of the Administrators of Joe Lynch's estate? A Yes, sir.
Q Did Harriet belong to Joe Lynch? A No, sir.
Q About what time did Joe Lynch die? A Died August, '61, about the 9th I think.
Q Did you know whether this Jim Martin; whether he had a slave by the name of Jim Martin; whether he was a son of Jim Martin?
A No, sir.
Q Do you mean that you didn't know that he had?
A He didn't have.
Q He didn't have one whose mother was named Harriet?
A No, sir.

BY MR. SMITH:

Q Mr. Bell, which did you mean, that he didn't have or you don't know whether he had or not? A He didn't have.
Q How do you know? A I was a member of Mr. Lynch's family.
Q How did you come to be a member of Mr. Lynch's family?
A By marriage.

Q Did you know everything he had and everything he didn't have because you married into his family?
A Yes, sir, I married into his family.
Q Is that the only reason now for knowing what Lynch had because you were a member of his family and lived in the same neighborhood he did? A Yes, sir; I lived in the neighborhood of this man Harrison and I knew what he had.
Q Well did you know what everybody in that neighborhood had?
A No, sir, I didn't know that.
Q How do you know what Harrison had? A I know that he had this woman there and she had two children and that she afterwards had two.
Q Where did Harrison live? A Harrison lived on the place that belonged to Lynch and about a mile and a half west of it.
Q He lived on Lynch's place? A Yes, sir, the place belonged to Lynch he lived on.
Q Did he ever live at Lynch's house and the place that Lynch lived on? A No, sir.
Q Never did? A No, sir.
Q How did you; did you know but what Harrison sold the woman he brought there to Lynch? A I never heard of it if he did.
Q You won't swear that he didn't just because you never heard of it would you? A No, sir; he kept possession of the woman all the time he was there.
Q Who did? A Harrison; he had possession of her; she was never in the family of Lynch at all.
Q Wasn't she there on the place with Lynch's slaves? A She was in a mile and a half of Lynch's.
Q Didn't she work for him? A No, sir.
Q Didn't she cook for Lynch? A No, sir.
Q Never worked on Lynch's place at all? A No, sir.
Q Never worked with Lynch's slaves? A No, sir; she might have visited there.
Q Well did she? A She might; it is natural to think that she did visit them, but I don't know the times that she did visit them, and that she did visit them at all.
Q What was the connection of this man Lynch and this man Harrison?
A Nothing more than Harrison was raising stock for Lynch.
Q Owed Lynch didn't he? A I never heard of it if he did.
Q Which died first? A Lynch.
Q Lynch died before Harrison? A Yes, sir.
Q What did Harrison have there? A Harrison had this negro woman and these children.
Q What child now when Harrison brought this negro woman there?
A She had two, but I don't recollect their names.
Q Was they boys or girls? A One was a boy, or they both may have been boys, I don't recollect that; they were small.
Q Well then as to Jim Martin, the man we are talking about here, you don't know who he belonged to? A Well, if he was a son of that woman he belonged to Harrison.
If he was the son of the woman; why? A Because he claims her as his mother.
Q Claims who? A This woman.
Q Harriet? A Harriet.
Q He didn't necessarily have to belong to Harrison because his mother belonged to Harrison did he? A If he was in his possession and he owned the negro woman, he certainly would have owned her children.
Q He might have sold the boy for all you know?
A He didn't though.
Q How do you know? A The children were there on the place.
Q Did you ever hear of a child being sold without being delivered
A It is not common to do so.
Q You are supposed to know definitely; you said that this man Jim Martin belonged to Harrison; what I want to know is how

you know that he belonged to Harrison? A The woman belonged to Harrison and it is natural to suppose that the boy did; I am certain that this woman belonged to Harrison.
Q Now, tell me why you are certain? A He was in possession of her; her brought her there and claimed her as his own property, and I never heard that she was incumbered in any way.
Q Would you swear that because he brought this woman there and had hers in his possession that the child she had there belonged to him?
A If a man had a mare in his possession and said that she was his mare and she had a colt, I would say that the colt belonged to him too.
Q Would you go on the stand and swear it? A Yes, sir.
Q If a man had a mare and she had a colt that you would go on the stand and swear it belonged to him? A I would say that I believe to the best of my knowledge.
Q Oh, you believe; that is about all you know about this that you believe you can state of your own knowledge? A These children were small.
Q Well please answer that question; can you state it of yourown knowledge? A I can't say that the child was hers I don't know that.
Q What else did this man Harrison have besides these children and this woman you are talking about? A He had three of four head of horses.
Q What else? A He had in charge some cattle he was raising on the shares for Mr. Lynch.
Q What else? A He had a field and some implements to cultivate it.
Q Now, when Harrison; but he did die didn't he?
A No, sir.
Q He is still living? A No, sir; he was killed.
Q He died when he was killed; where was he killed? A He was killed in '62
Q Now what became of his property who got it? A The federals got it, I guess.
Q You guess? A Yes, sir.
Q You knew everything that was going on in that country?
A I was in the army.
Q What makes you think the federals got it? A I heard it.
Q Didn't Lynch get it? A No, sir, Lync never got it.
Q None of the Lynchs? A No, sir.
Q You know that? A No, sir.
Q You were in the army? A I know that Geter Lynch was killed at a skirmish about a mile above Harrison.
Q That would not be any indication that Lynchs didn't get it?
A Lynch died before, Mrs. Lynch died before, Joe Lynch went to the army with me and Judge Lynch was a prisoner at that time.
Q So the property that Harrison left or at the time he was killed come into the hands of same of the Lynch family? A No, sir, none of them.

BY MR. HASTINGS:

Q I believe that you stated that you were one of the administrators on the estate of Joe Lynch? A Yes, sir, Geter Lynch, Joe Lynch and myself were the administrators.
Q Young Joe Lynch? A Yes, sir.
Q And you stated that this Harriet and Jim Martin were not part of the effects of Joe Lynch?
(Objected to by Attorney for Applicant.)
Q Were they part of the effects of Joe Lynch? A No, sir, they were not:

Q What relation were you to Joe Lynch by married? A I was his son-in-law.
Q You married his daughter? A Yes, sir.
Q Your wife was one of his heirs, one of the heirs to the estate?
A Yes, sir.
Q Where was Harrison killed? A Harrison was killed in what is called the Six Mile Bottom.
Q After the war come up? A Yes sir, in '62.

BY MR. SMITH:

Q That is the only estate you ever administered on?
A No, sir.
Q Did you ever in administering on an estate always get all the property that belonged to? A UI do not know, ~~a man does not always get all the property~~
Q A man does not always get all the property than a man owns and put it in when he goes to administer on it, does he?
A He would that was present.
Q You can state that a man does not always do that, can't you?
A A man may not if it wasn't there.
(Objected to by Attorney for Cherokee Nation.)

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 6th day of June, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1 1905

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17286 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

James Martin, D 344;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JSC

In the matter of the application of James Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

James Martin----------Cherokee Freedmen D 344,
Mary A. Watson----------Cherokee Freedmen D 347.

DECISION

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by James Martin, for himself, and by Mary A. Watson, for herself. The application of Mary A. Watson also included her husband, Howard F. Watson, who claims right to enrollment as a Cherokee Freedman by intermarriage but, the citizenship of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Howard F. Watson is not embraced in this decision.

The evidence shows that the applicants, James Martin and Mary A. Watson, were born prior to the beginning of the war of the rebellion and that they were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the war of the rebellion.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of James Martin and Mary A. Watson, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breedlove,
Commissioner.

W E Hennessy
Commissioner.

Muskogee, Indian Territory,
this JUL 10 1903

7D 244

FILED
MAY 25 1904
COMMISSION TO FIVE TRIBES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 24, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications of James Martin, C. F. D. 344, and Howard F. Watson, et al., C. F. D. 347.

It appears from the records in these cases that the applicants, their attorneys, and the Cherokee Nation were notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., On June 15, 1904, for the purpose of introducing further testimony in accordance with the Department's letter of April 4, 1904, remanding these cases. By agreement of the parties this case has this day been taken up for hearing on this day.

APPEARANCES:
Applicants by attorney White, of the firm of Kimball & White, and applicant, James Martin in person.
Cherokee Nation by attorney James S. Davenport.

R. L. MARTIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A R. L. Martin.
Q How old are you? A 56.
Q What is your postoffice address? A Pensecola, I. T.
Q Are you a recognized citizen by blood of the Cherokee Nation?
A Yes, sir.
Q Do you know the applicants in these cases, Howard F. Watson and his wife, Mary A. Watson, and James Martin? A I know James Martin.
Q You don't know the others? A No, sir.

By Mr. White:
Q Did you know James Martin's father? A Yes, sir.
Q What was his name? A Joshua.
Q Was he a slave before the war? A Yes, sir.

Q Who owned him? A My father, Joseph L. Martin.
Q Was your father a citizen of the Cherokee Nation? A Yes, sir.
Q Was he on the 1880 roll? A Yes, sir.

By the Commission:
Q You say Joseph L. Martin is your father and his name appears on the 1880 roll? A Yes, sir.
Q In what district? A Cooweescoowee.
Q With whom would he be enrolled at that time? A Himself and family.
Q What was the name of his wife in 1880? A Jennie.
Q What children? A Jesse, G. A., and Willie.

The name of Joseph L. Martin appears on the 1880 authenticated Cherokee roll, Cooweescoowee District, opposite No. 1858, as Jos. L. Martin, native Cherokee, 60 years of age.
Beneath appear the names of Jennie Martin, Jesse B. Martin, Granvil A. Martin and Willie A. Martin.

By Mr. Davenport:
Q Mr. Martin, you say you knew Jim Martin before the war? A No, I don't remember him.

Q Do you know where and with whom His father was living prior to the breaking out of the war? A With my father.
Q Where was your father living with reference to the old Lynch place when the war broke out? A About five miles very near south.
Q Where was Jim Martin living at the breaking out of the war?
A This Jim?
Q Yes, sir. A I don't know only what they say.
Q Do you know to whom Joshua Martin, the father of this man, belonged at the breaking out of the war of your own personal knowledge?
A No, sir.
Q How old were you when the war broke out? A I was born in '47; make me 13 years old.
Q Do you know the mother of James Martin? A No, sir.
Q Were you old enough to remember a man by the name of Harrison who came from South Carolina and lived at the Lynch place? A Yes, sir.
Q Do you remember of Harrison's owning a colored woman who was the mother of James Martin, by the name of Harriet?

Mr. White: We object to that question for the reason that it does not call upon the witness to state a fact, but announces as a fact and asks the witness to state whether he remembers it or not, and we don't admit that this woman was the slave of this man Harrison, and we further object to the question on the ground that it is immaterial to whom the mother of this applicant belonged.

Commission: Objection will be noted and the witness will answer the question.

A I don't remember anything about it. I remember the old man Harrison living there.
Q Do you know C. L. Lynch, the son of Judge Lynch? A Yes, sir.
Q How old was he at the time the war broke out? A He was grown and married; I don't know his age.
Q Do you know whether this man Harrison had any slaves at the time the war broke out? A Couldn't say.
Q Was Jim Martin, the applicant in this case, living at your fathers place when the war broke out? A Not that I know of; don't remember it.
Q Did you ever know his mother or where she lived? A No, sir.
Q All you know is, you know Jim Martin's, or who Jim Martin claims as his father? A Yes, sir.
Q And you know that Joshua Martin was the slave of your father?
A Yes, sir.
Q You don't claim to know anything about who Jim Martin's mother was or to whom she belonged or to whom Jim belonged? A No, I don't remember.

By the Commission:
Q You don't know when Joshua Martin return to the Cherokee Nation after the war? A He died during the war.

By Mr. Davenport:
Q Do you know of your own personal knowledge that Joshua Martin was the father of Jim Martin? A No, sir.
Q You never saw him living with him? A It is all hearsay, they always claimed it; in fact don't know whether he could swear to that.

By the Commission:
Q Do you know where James Martin was born? A No, sir.
Q You don't know whether Joshua Martin and James' mother were living together at the time James Martin was born?

Mr. White: We object to that as not being proper cross-examination. I have offered this witness for the sole purpose of proving that Joshua Martin was the slave of Joseph Martin, who was the slave of a Cherokee citizen, and have other witnesses to prove that Joshua Martin was the father of this applicant. This witness doesn't know, and told me before he went on the stand that he didn't, and, therefore, I didn't attempt to prove it by him.

Commission: Objection will be noted and witness will answer the question.

A No, I don't know that; they didn't live together then like they do now.

ANDERSON LYNCH, being first duly sworn, testified as follows:

By Mr. White:
Q What is your name? A Anderson Lynch.
Q Where do you live? A Up on Grand river, near Vinita.
Q You are a Cherokee freedman? A Yes, sir.
Q How old are you? A About '66.
Q Have you been regularly enrolled on a straight card by the Commission?

Mr. Davenport: I object to the question as being immaterial and incompetent. It isn't necessary that a man should be a Cherokee citizen in order to give evidence in this court or any other court.

Mr. White: It is customary in every court in existence to show the status of the witness in the community, his occupation, his identity and any other matters which may show his credibility or his knowledge of the subject matter about which he attempts to testify.

Mr. Davenport: The representative of the Cherokee Nation object to the statement of counsel and say that it isn't a fact in any civilized court in the world that a man has to give his standing in order to give his testimony.

Commission: Objection will be noted and witness will answer the question.

A Yes, sir.

By the Commission:
Q What is the name of your father? A My father is named William Choteau.
Q Was he ever known by any other name? A They called him Bill.
Q What was the name of your mother? A Peggy Lynch.
Q Who was your owner? A Joe Lynch.

Witness appears upon Cherokee Freedmen straight card No. 791, and on the final roll of Cherokee freedmen, approved by the Secretary of the Interior, opposite No. 1933.

Mr. Davenport: Objected to as incompetent and immaterial.

Commission: Objection will be noted.

By Mr. White:
Q Did you go to Kansas during the war? A Yes, sir.
Q When did you get back here? A In '65.
Q Do you know the applicant, James Martin? A Yes, sir.
Q And his sister, Mrs. Watson? A Yes, sir.
Q When did they get back here? A Got back in the summer of '66.
Q Who brought them back? A Jesse Rowe.
Q Where did you see them in the Nation in '66? A Near Joe Martin's place, where Simon had stopped, at the old Military crossing.
Q Simon who? A Lynch.

Q How far was that from where you were living? A About three miles; about three miles from where I am living now.
Q Do you know who their father was? A Yes, sir, we all belonged to the old family of people.
Q What was the name of the father of Jim and Mary? A Joshua Martin.
Q Do you know who owned him? A Yes, sir.
Q Who? A Joe Martin.
Q Was Joe Martin a citizen of the Nation? A Yes, sir.
Q An Indian? A Yes, sir.

By Mr. Davenport:
Q Did you belong to Joe Martin, too? A No, sir, my mistress and him were brothers and sisters.
Q Didn't you testify that you belonged to the same party? A To the same people.
Q It wasn't the same people was it?

Mr. White: We object to that question as tending to confuse the witness. He has already explained his relationship.

Commission: Objection will be noted and the witness will answer the question.

A Yes, sir, Joe Martin and Charlotte Lynch were sisters and brothers--
Q I am asking whether you and these applicants belonged to the same man when the war broke out? A No, sir.
Q Did you ever belong to the same party? A Did time of the old grandfather.
Q At the time the war broke out? A No, sir.
Q Was Joe Lynch dead when the war broke out? A The war had commenced when he died.
Q These applicants, James Martin and Mary Watson, weren't living with Joe Martin at the time the war broke out? A No, sir.
Q Was Joshua Martin living with Joe Martin when the war broke out? A Yes, sir.
Q When did Joshua Martin get back to the Cherokee Nation? A He never come; died.
Q You never saw him? A I saw him afterward; he died up there.
Q He remained up there after the war closed? A He was dead.
Q Did he die before the war closed? A Yes, sir.
Q Do you know what year? A No, sir, I never kept track of the year; I come on back down here in '65.
Q You came back to the Cherokee Nation in '65? A Yes, sir.
Q Where did Harrison, the man who lived on the Lynch place, go when the war broke out?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A Just across the river from the Tan Yard over there on Lynch's branch. The Pens got him and took him up and killed him.
Q What was the name of the applicants' mother? A Harriet.
Q Who did she belong to before the war?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A She belonged to Harrison, the woman did before the war; belonged to Harrison and in between them was Joe Lynch, and he still let her stay there and cook for Harrison while he was taking care of his cattle. Old man Joe Lynch went south and died and Harrison was taken up and killed; Pen Injuns killed him.
Q As I understand you, at the time the war broke out the mother of the applicants in these cases, James Martin and Mary Watson, was the slave of Harrison, is that correct? A No, sir, I couldn't tell; they was in Lynch's possession.
Q Then you don't know of your own personal knowledge to whom Harriet Martin, James Martin and Mary Watson belonged at the breaking out of the war?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A Lynch had them in possession, and I couldn't tell just which they belonged to. They were under mortgage to Lynch. He let her stay there to cook, and then they both died, and I don't know how they went; don't know how the children all divided, some went south and some north.
Q How old were you when the war broke out? A 21 years old.
Q Do you know anything about the mortgage you have been speaking about, or did you ever see it? A Never saw it; just heard the talk among them.

Mr. White: I wish to call attention to the fact that in the direct examination, I have not asked this witness anything about any ownership of the mother, Harriet, and I expect, for that reason, that the Cherokee Nation will be bound by any matters brought out by him, and to that purpose witness will be the witness of the Cherokee Nation.

Q Did the applicants, James Martin or Mary Watson, ever live with Joshua Martin? A Yes, sir.
Q When was that with reference to the breaking out of the war?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A He took them from here to Ottoway, Kansas.
Q Where did you first see them after the war, the applicants in this case? A On Cabin Creek.
Q Who were they with? A Simon Lynch.
Q Your brother? A No, sir, no kin to me.
Q Where did you next see them? A I couldn't tell just exactly, once in a while, back there among their people; times was hard and nobody could keep them.
Q You don't know anything about anybody trying to keep the, do you? A I know of them trying to get places to stay.
Q Who? A With me a while and did stop with me a while, and on up the river with Nellie Frye.
Q She has never testified in this case, has she? A No, sir; not as I know of.
Q This is the first time you have testified in this case isn't it?
A First time they called on me.
Q How many freedmen cases have you testified in?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer.

A I don't know; kept no record.

JAMES MARTIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A James Martin.
Q How old are you? A I don't know my age just exactly.
Q What is your postoffice? A Vinita and Woodland; get mail at both places.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes, sir.
Q When you applied before the Commission in 1901, you gave your age as 42, was that right? A Yes, sir, something like it.
Q Then you are about 45 now? A Yes, sir.

By Mr. White:
Q When you were brought into the Nation at the close of the war to what place were you taken? A Uncle Simon Lynch's.
Q Where was that? A On Big Cabin Creek.
Q Was your sister, Mary Watson, with you? A Yes, sir.
Q What was the occasion of your going out of the Nation after you were brought in here?

Mr. Davenport: I object to that, because he hasn't shown that he went out; it is immaterial and presupposes what did happen.

Mr. White: I am perfectly willing to admit that he never went out.

Commission: Objection will be noted and witness will answer the question.

A Well, times was hard, and a missionary man stopped at Uncle Simon's and said he would take us and take care of us and said he would give us an education and raise us like white people.
Q Did he take you? A Yes, sir.
Q Where? A Up in Kansas; don't know just exactly now.
Q You said in your former testimony that you staid with him and run off and left him and came back to the Cherokee Nation, is that correct? A Yes, sir.
Q And that you were then about 13 or 14 years of age? A Yes, sir.
Q From that time on where did you make your home? A Right here in the Territory.
Q Ever since that time? A Yes, sir.
Q Your sister was taken to Kansas by this missionary? A Yes, sir.
Q And she afterwards came back did she? A Yes, sir.
Q And her home is in the Cherokee Nation? A Yes, sir.
Q Do you know when your sister came back to the Nation? A Yes, sir.
Q About when? A Well, it was later on after that.
Q About how old was she, if you know? A When she came back, about 14 or 15 years old.
Q And has she since then made her home in the Nation? A Yes, sir, generally made it her home. This is our home, the folks always told us, and we didn't know no place else.
Q What was your father's name? A Joshua Martin.
Q Did he recognize you as his son?

Mr. Davenport: We object to that as incompetent and immaterial. It makes no difference whether the father recognizes his son or not.

Mr. White: We don't insist upon the question, since the representatives of the Nation admit that.

Mr. Davenport: The representative of the Nation hasn't admitted anything and the representative of the applicants must not construe his remarks as meaning any such thing.

Commission: Objection will be noted and witness will answer the question.

A Yes, sir.
Q Do you know who owned your father? A Yes, sir.
Q Who?

Mr. Davenport: I object to that as incompetent and immaterial.
Commission: Objection will be noted and witness will answer the question.

A Joe Martin, Cherokee Indian.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.

By Mr. Davenport:
Q How old were you when Joe Martin died? A I don't know just exactly, Mr. Davenport.
Q You can't remember him, can you? A Yes, sir, staid at his house several times; set up at night and talked with him till one and two o'clock.
Q How long before the war do you remember seeing Joe Martin?
A Well, I cannot say, because I was small.
Q You can't recollect when the war broke out? A Don't know but very little about that.
Q Your mother's name was Harriet, wasn't it? A Yes, sir.

Mr. White: We insist that the Cherokee Nation be bound by the answers to any questions in relation to Harriet, the mother, for the reason that we haven't asked this witness anything about her.

Q Did you ever live at your father's, Joe Martin's, before the war? I mean with who was reputed to be your father?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A Don't know; couldn't say; was small and don't know.
Q Your mother didn't belong to Joe Martin, did she? A Not that I know of.
Q Do you know, or have you information from the family history as to whom she did belong at the breaking out of the war? A Yes, sir.
Q To whom? A Joe Lynch.
Q Isn't it a fact that the family history of the Lynch family, and that as you received it, discloses that she belonged to John Harrison and not to Joe Lynch?

Mr. White: We now object to that question, for the reason, that, having been warned, the representative of the Nation has gone beyond the scope of the examination in chief, has received an answer to that very question, and is now undertaking to cross-examine his own witness.
Commission: Objection will be noted and witness will answer the question.

A Not, to my knowledge, no, sir.
Q Do you know Lon Lynch, son of Joe Lynch? A Just when I see him.
Q Now, Jim where were you living when you first remember after you come back to the Cherokee Nation? A Where were I living?
Q Yes, sir. A I lived on Gooseneck Bend a while, and on----
Q The first time you remember; not the different places, the first place you lived in the Cherokee Nation after the war? A That I lived?
Q Yes. A After I come back from Kansas, I lived up there on

Possum Creek a part of the time and working around in the Cherokee Nation.
Q The first time that you remember living in the Nation after the war, not the different places, the first place you were living in the Cherokee Nation after the war? A Well, I couldn't say the very first spot that I remember living, but I can tell you where I lived from one place to another back to about '74.
Q Didn't you testify in your original testimony as to the first place you lived? A I don't know.
Q Didn't you say in that examination that you were living over on Gooseneck? A I don't know; remember I lived there at Gooseneck and at Possum Creek and on Big Creek.
Q I am asking you about the ~~fixxxplaxxx~~ first place? A I disremember whether I stated that that was the first place or not.
Q If you did state that the first time you recollected was on Gooseneck, that was correct, wasn't it? A I don't know; I believe that we lived--
Q I am asking you if your statements in your original examination were that you were living on Gooseneck and whether or not that was correct? A I couldn't say, Mr. Davenport, the first place that I lived, I couldn't say.
Q You knew when you gave testimony in 1901 as well where you lived first in the Cherokee Nation as you know to-day, didn't you? A I don't know whether, I couldn't say, recollect now whether it was I told you--
Q The question was, if you didn't know when you gave testimony in 1901 as well where the first place was you lived as you do today? A It looks very reasonable that I should. I lived at all these places, but I couldn't say whether I told you at that time Gooseneck or Possum Creek.

Mr. Davenport: The representative of the Cherokee Nation requests that the hearing in these cases be continued for ten days, in order to enable it to produce testimony to rebut the testimony brought out to-day by the applicants as to the ownership of the applicants, and as to the return of the applicants and as to their remaining in the Cherokee Nation.

Commission: The Commission's records show that the applicants, their attorneys and the attorneys for the Cherokee Nation were notified that they would be permitted to appear before the Commission at nine o'clock A. M., on June 15, 1904, at Muskogee, Indian Territory, and introduce such testimony as they might desire touching the points mentioned in the Department's letter of April 4, 1904, remanding this case, copies of which letter were furnished the parties concerned. By agreement of the parties concerned this case has been taken up for such hearing on this day, and the Commission cannot now grant a continuance.

o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 25th day of May, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Martin et al., as Cherokee Freedmen, consolidating the applications of:

James Martin,	Cherokee Freedman D 344,
Mary Ann Watson,	Cherokee Freedman D 347.

--:--

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by James Martin for himself; and by Mary Ann Watson for herself. The application of Mary Ann Watson also included her husband, Howard F. Watson, who claims right to enrollment as a Cherokee freedman by intermarriage, but as his application has been otherwise disposed of, he will not be embraced in this decision. The record further shows that on July 10, 1903, this Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department. Thereafter, on April 4, 1904 (Departmental letter I. T.D. 1370-04), this case was remanded for further testimony, and on May 24, 1904, further testimony in the matter of said application was taken at Muskogee, Indian Territory.

The evidence herein shows that at the commencement of the Rebellion the applicants, James Martin and Mary Ann Watson, together with their mother, Harriet Harrison, were the slaves of one John Harrison, a non-citizen of the Cherokee Nation, and, except that their names appear upon the Wallace roll, they cannot be identified on any roll of the Cherokee Nation.

The evidence further shows that said applicants herein were born several years prior to 1860; that their father, Joshua Martin, at the commencement of the Rebellion was the slave of a Cherokee citizen, and that during said rebellion applicants herein and their father, were taken from the Cherokee Nation; as to whether or not said applicants or their father returned to the Cherokee nation within the time specified in the Whitmire decree, for the return of freedmen to the Cherokee Nation, the Commission does not believe it necessary to consider in order to properly adjudicate the rights to enrollment of these applicants.

As the opinion entertained by the Commission is in direct conflict with the recommendations of the Acting Commissioner, as indicated by his letter of February 16, 1904 (Land 81104-03), it is considered advisable to more fully discuss two questions raised by the record in this case, viz:

(1) The ownership of children born of slave parents where the parents are owned by different masters; and

(2) Under Article nine of the Treaty of 1866, can applicants, born prior to the commencement of the rebellion, claim as descendants of freedmen, or must they stand or fall upon their ability to show whether or not they, themselves, have complied with the provisions of said Article nine of the treaty of 1866?

In re doctrine of Partus Sequitur Ventrem:

In language more forcible than elegant, the doctrine of partus sequitur ventrem was ilustrated by Justice Buller of England, as follows:

"Whosoever bulloth my cow the calf is mine."

"Under the Roman law slavery may originate in three ways: Either by birth-- as when the mother was a slave, ..." Am. Enc. of Law, Vol. 25 p. 1089 citing Westbrook v Mitchell, 24 Tex. 560.

In this country it has been held that "The chief means of the perpetuation of slavery in the United States was the adoption from the civil law of the rule partus sequitur ventrem, by which the condition of the child became that of the slave mother." Am. Enc. of Law, Vol. 25 p. 1089 , citing in connection with a number of Federal and state court decisions the case of Fowler v Merrill, 52 U.S. 375, 13 L. Ed. 736, where it was expressly held that "The children of slaves belong to the owner of the mother."

In re term "descendants" as used in Article nine of the treaty of 1866:

Said article, in part, provides:

"All freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

In Departmental letter of March 25, 1904 (I.T.D. 2528-04), in reply to certain questions submitted by attorneys for the Cherokee Nation, it is held by the Assistant Attorney General, in considering said article nine of the treaty of 1866, that

"The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given, or created by the treaty. It is in the nature of a condition precedent and essentially a part of the facts out of which the right given arises. There is no right independent of the existence of the conditions imposed. Such limitations affect all alike, competent or incompetent."

Reasoning by analogy, it is difficult to see, if the limitation above indicated is a "condition qualifying a right given" and "affects all alike, competent or incompetent", why the limitation "freedmen who have been liberated by voluntary act of their former (Cherokee) owners or by law", is not a condition qualifying a right given, and should not affect all alike, be they competent or incompetent, one day or sixty years old.

For the purpose of defining our position in this matter more clearly, permit us to divide the freedmen upon whom citizenship was conferred by said article nine of the treaty of 1866, into two classes:

(1) All free colored persons residing in the Cherokee country, and all slaves of Cherokee citizens, at the commencement of the rebellion; and

(2) Their descendants.

The language of the treaty is broad enough to include in the first class all freedmen, etc., and all free colored persons etc., who were in being at the commencement of the rebellion, irrespective of their age, and, in order to perfect their right to Cherokee citizenship, upon them, individually, was imposed the personal duty of complying with the treaty stipulations of 1866.

Were it permitted those in the first class to establish their rights to citizenship in the Cherokee Nation by showing that their ancestors had complied with the treaty stipulations of 1866, this Commission would be placed in the embarrassing attitude of enrolling certain applicants (for instance James Martin and Mary Ann Watson), and denying their children born since the commencement of the rebellion, although such children had done nothing to forfeit their rights to enrollment. It would exempt from compliance with said treaty stipulations those freedmen, born prior to the commencement of the rebellion, whose ancestors had perfected their rights to enrollment as freedmen citizens of the Cherokee Nation.

And again, if a child two years old at the commencement of the rebellion could violate the treaty stipulations of 1866, and still claim the right to enrollment by showing that his ancestors had perfected their right, why cannot an applicant twenty-five, or fifty, years old at the commencement of the rebellion do the same?

As to the second class, designated by the term "their descendants", in Article nine of the treaty of 1866, it is clear to the Commission that it was the intention of the treaty makers to include in this class only those born since the commencement of the rebellion, who can show a continuity in the line of descent from their nearest ancestor included in the first class.

In view of the foregoing, the position of the Commission can be summarized as follows:

First. Under the law, children born to a slave mother belong to the owner of the mother, irrespective of the ownership of the father.

Second. That the term "their descendants", as used in the treaty of 1866, is intended to include only those born since the commencement of the rebellion who are the lineal descendants of slaves of Cherokee citizens, or of free colored persons residing in the Cherokee country at the commencement of the rebellio .

It is, therefore, the opinion of this Commission that the applications for the enrollment of James Martin and Mary Ann Watson as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approve June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMIS ION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman

(SIGNE T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,

this APR 19 05

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. James Martin,
Vinita, I. T.
Cherokee D-D-844.
Rejected.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-344.

Muskogee, Indian Territory, July 23, 1903.

James Martin,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of James Martin, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-32.

COPY.

Cherokee Freedmen
D-344 & D-347.

Muskogee, Indian Territory, July 23, 1903.

Mellette & Smith,

Attorneys for James Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of James Martin, et al., rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Register.

Enc. H-34.

COPY.

Cherokee Freedmen
D-344 & D-347.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of James Martin, et al., rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B.

Commissioner in Charge.

Enc. H-35.

COPY.

Cherokee Freedmen
D-344 & D-347.

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application for the enrollment of James Martin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-36.

(COPY)

LAND.
47062-1903
72331-1903
81104-1903

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 16, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of James Martin for the enrollment of himself and the application of Mary A. Watson for the enrollment of herself, both as Cherokee freedmen citizens of the Cherokee Nation.

It further appears that the application of the said Mary A. Watson also includes the name of her husband, Howard F. Watson, who claims the right to be enrolled as a Cherokee freedman citizen of said nation by intermarriage, but that his application is not embraced in this decision.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants, James Martin and Mary A. Watson were born prior to the beginning of the war of the rebellion and that they were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the war of the rebellion, and that their names are not found on the 1880 authenticated roll of the Cherokee Nation.

By reason of these findings and facts the Commission is of the opinion that the applications for the enrollment of James Martin and Mary A. Watson should be denied, under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495)

I have examined the record evidence submitted in this case and find that the said James Martin testified that he has lived in the Cherokee Nation nearly all his life; that his father's name was Joshua Martin who is dead, and that his mother's name was Harriet Martin, and that she is also dead.

I find that the tendency of all the evidence submitted in this case is to establish the status of his said mother, Harriet Martin and it seems to be an unsettled question as to whether she was the slave of a non citizen by the name of Harrison or the slave of Joe Lynch at the beginning of the war.

There is but little testimony submitted as to the father of these applicants, whose name is given as Josh or Joshua Martin. It does appear from the evidence that this Joshua Martin was the slave of a Cherokee citizen at the beginning of the war. I consider that the record should show more fully just what became of the said Joshua Martin during the war, and about the only testimony as to him is that of David

Martin, who says he is 64 years old, has lived in the Cherokee Nation all his life except during the war; that he knows the applicant James Martin and knew his father, Josh Martin; that he first knew the applicant in 1858 or '7 or '9; that he was over at Joe Lynch's when the war commenced; that his mother belonged to Joe Lynch, who bought her from Harrison; that Joe Lynch was a Cherokee Indian and citizen of the Cherokee Nation.

On cross examination he testifies when asked if he knows when Josh Martin came back, as follows: "no, in '63 I was in Kansas and visited Josh and his family and he had Mary and Jim." The witness is again asked when they came back to the Cherokee Nation and answers: "well, if you will let me tell you, I can tell you; I went on in the army in '63 and in '66 when I came back coming home that way they wasn't there; they was done left Kansas and had come to the nation."

The witness is then asked how he knows they had come to the nation and replies: "I went to see them and they had left for the nation." He is then asked "you don't know where they had gone?" and answers "no sir, that is what was said."

There is some additional testimony taken to show that the said James Martin returned to the nation in 1866, but as stated above, this matter does not seem to have been gone into very thoroughly by either the parties or the nation, as the nation apparently ignored the status of the father and undertook to show that the mother was not the slave of a Cherokee citizen at the beginning of the rebellion, evidently believing that fact alone would be sufficient to make these applicants ineligible to enrollment.

On November 6, 1903 Messrs. Kimball & White filed a brief in this case on behalf of the applicants wherein they set out that the applicants are negroes and were little children at the beginning of the civil war and were living in the Cherokee Nation; that they were taken into Kansas for a short time, but that it is clearly established that they returned within the six months limit fixed by the Cherokee "constitution and that they have been rejected by the Commission on the sole ground that their mother, one Harriet Johnson was the slave of one Harrison, who was a white man and not a citizen of the Cherokee Nation. These attorneys state that the evidence on this question is somewhat conflicting, but that aside from that question it is certain that Joshua Martin, who was the slave of Joe Martin, a Cher-

okee citizen, was the father of these children. Said attorneys then refer to the requirements of the Curtis Act that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered February 3, 1896, and then take up the question of who are descendants as used in said decision.

It is not claimed by these attorneys that the said Joshua Martin returned to the Cherokee Nation within the proper time. As the evidence now stands I consider that it is necessary to hold that the said Josh Martin and his said children were in the Cherokee Nation within the time stipulated by the treaty provisions of 1866, although the evidence is not satisfactory on this point, yet there is some evidence to that effect and none whatever disputing it.

I am therefore of the opinion that unless the nation can show that neither these children nor their father did return to the Cherokee Nation within the proper time, these applicants should be enrolled as Cherokee freedmen citizens of the Cherokee Nation.

On December 16, 1903 the Department transmitted to this office a brief in said case on behalf of the Cherokee Nation, drawn by W. W. Hastings, attorney for the nation, but I cannot concur with the attorney in his argument therein as to

the meaning of the word "descendants" as used in the treaty of 1866. In speaking of the return of these applicants, the attorney states that there is no satisfactory proof that they returned to the Cherokee Nation within the time prescribed by the treaty, but that the Cherokee Nation did not particularly press that point in the introduction of testimony for the reason that the testimony as to the ownership of these two applicants was positive, clear and convincing of the fact that they were not owned by citizens of the Cherokee Nation. I do not believe that these applicants' admission is dependent upon the fact of whether their mother was or was not owned by a Cherokee citizen, since the evidence shows that their father was so owned by a Cherokee citizen at the commencement of the rebellion.

The sole question as I view it is did either they or their father return to the nation within the proper time. Otherwise I consider them eligible for admission and on this point the evidence being in their favor, I recommend that either this record be returned for further evidence or that the decision of the Commission be set aside and the parties be enrolled as aforesaid.

Very respectfully,

WCB/LM

Acting Commissioner.

D.C. 10860. (COPY) W.C.F.

FHE

DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 1374-1904. April 4, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record in the Cherokee freedman case of James Martin, et al., including your decision of July 10, 1903, rejecting the application of James Martin and Mary A. Watson.

Reporting February 16, 1904, the Acting Commissioner of Indian Affairs recommends that either the record be returned for further evidence, or that your decision be set aside and the parties enrolled.

Following the rule heretofore adopted by the Department, it is necessary in such cases that the Nation and the applicants be allowed sufficient time in which to file arguments. The Department considers it fair to all parties that they be given an opportunity to produce further evidence if they so desire. You will therefore notify the applicants and the attorney for the Nation of the recommendation of the Acting Commissioner, and that

they will be allowed thirty days within which to produce further evidence. The testimony and papers attached are inclosed herewith, together with arguments filed by the nation and the applicants and a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

4 inclosures.

Cherokee Freedmen
D 344

Muskogee, Indian Territory, May 7, 1904.

James Martin,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 10, 1903, rejecting your said application.

In accordance with the Department's instructions you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce further testimony tending to show whether or not you or your father, Joshua Martin, returned to the Cherokee Nation within the time specified in the treaty of 1866; also testimony as to whom your father belonged before the war. A copy of the Department's letter has this day been forwarded your attorneys, Kimball & White, Washington, D. C.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 344 and D 347

Muskogee, Indian Territory, May 7, 1904.

Kimball & White,

Attorneys for James Martin, et al.,

Washington, D. C.

Gentlemen:

In the matter of the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 10, 1903, rejecting the applicants.

In accordance with the instructions contained in the Department's letter, the applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony tending to show whether or not they or their father, Joshua Martin, returned to the Cherokee Nation after the war within the time specified in the treaty of 1866; also testimony as to whether or not the said Joshua Martin was the slave of a Cherokee citizen before the war.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-27

Commissioner in Charge.

Cherokee Freedmen
D 344 and D 347

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 10, 1903, rejecting the applicants.

In accordance with the instructions contained in the Department's letter, the applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony tending to show whether or not they or their father, Joshua Martin, returned to the Cherokee Nation after the war within the time specified in the treaty of 1866; also testimony as to whether or not the said Joshua Martin was the slave of a Cherokee citizen before the war. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith inclosed a copy of the

Department's letter above referred to.

Respectfully,

Encl. V-26

Commissioner in Charge.

Cherokee Freedmen

D-344 D-347.

Muskogee, Indian Territory, August 8, 1904.

William H. White,

Attorney for James Martin, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Dear Sir:

In accordance with your request of July 30, there is herewith inclosed a copy of the supplemental testimony taken before the Commission at Muskogee, Indian Territory, on May 24, in Cherokee Freedmen D-344, John Martin, and Cherokee Freedmen D-347, Howard F. Watson, et al. There is herewith inclosed a blank form of receipt for said testimony, which you are requested to sign and return to the Commission.

Respectfully,

Encl. S-22.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-344.

Muskogee, Indian Territory, April 19, 1905.

James Martin,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905 rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C. a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-10

Register

COPY.

Cherokee Freedmen

D-344-347.

Muskogee, Indian Territory, April 19, 1905.

Kimball & White,

Attorneys for James Martin, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-12
Register

COPY.

Cherokee Freedmen

D-344-347.

Muskogee, Indian Territory, April 19, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-13

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-344-347.

Muskogee, Indian Territory, April 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of James Martin, et al., including the Commission's decision dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. 8-14

Through the

Commissioner of Indian Affairs.

Land.
31387-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 4, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 19, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by James Martin for himself and Mary A. Watson for herself.

July 10, 1903, the Commission decided adversely to the applicants.

The record shows that the applicants were born prior to the beginning of the war of the rebellion and that they were ~~xxxx~~ not slaves of ~~xxx~~Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the war. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.

W.

N. C. 45073 C O P Y COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
WASHINGTON.

J.R.W.
W.C.P.
E.V.P.

I.T.D.
5062-8808
2304--1905.

September 26, 1906.

The Secretary of the Interior.

Sir:

I received by reference of September 19, 1906, the records in the applications of James Martin and of Mary A. Watson for enrolment as Cherokee freedmen. Reference is made to Article IX of the treaty of 1866 (14 Stat., 799), and my opinion is requested--

"Whether, in view of the words "and their descendants" in said treaty, the applicants in this case, born prior to the war of the rebellion, are entitled to enrollment as descendants of their father, a slave of a Cherokee citizen, their mother being a slave of a citizen of the United States.

The question, by its necessary implication, states the fact found by the Commission and accepted by the Department that the applicants were themselves living when the war of the rebellion broke out, and that they are the children of a father who was the slave of a Cherokee citizen and of a mother who was the slave of a citizen of the United States not a Cherokee citizen.

I am of opinion that all former slaves living at the

outbreak of the rebellion made citizens by the treaty are included in the words "all freedmen," to which general class the words "their descendants" have reference as a class taking their rights by succession to and descent from the first class named. The outbreak of the rebellion being the point of time fixed to which the general class has reference, in my opinion it follows of necessity that the words "their descendants" logically and necessarily are limited to persons born after that time, and that a person then living must show right in himself as being included in the first class, and can not establish a right by proof of an earlier descent from one of that class.

Very respectfully,

Frank L. Campbell.

Assistant Attorney-General

Approved: September 26, 1906.

Thos. Ryan
Acting Secretary.

C.C.45073

I.T.D. 6069-1905.
18934-1906.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JHJr.
T.W.M.

October 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On May 4, 1905(Land 31387), the Indian Office transmitted a report from the Commission to the Five Civilized Tribes dated April 19, 1905, forwarding the record of the consolidated application for enrollment as Cherokee freedmen of James Martin, for himself, and Mary A. Watson, for herself, together with its decision of July 10, 1903, adverse to said applicants.

The Indian Office concurred in the decision of the Commission to the Five Civilized Tribes. A copy of its letter is enclosed herewith.

On September 26, 1906, the Assistant Attorney-General for this Department rendered a decision in reference to this case, which was approved by the Department on the same date, a copy of which is enclosed for your information.

In accordance with said opinion, the consolidated application of James Martin and Mary A. Watson for enrollment as Cherokee freedmen is hereby denied.

The record and accompanying papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

2 enc. & 7 to Ind. Of.

Cherokee F.
D. 347

Muskogee, Indian Territory, October 19, 1906.

Mary A. Watson,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior October 9, 1906.

Respectfully,

H.J.C.

Commissioner.

Cherokee F.
D 344, 347

Muskogee, Indian Territory, October 19, 1906.

William Henry White,

Attorney for James Martin, et al.,

416 Fifth Street N. W.,

Washington D. C.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson, as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 9, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-130.
H.J.C.

Commissioner.

Cherokee F.
D 344, 347.

Muskogee, Indian Territory, October 19, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson, as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 9, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-131.
H.J.C.

Commissioner.

C 78-44

FILED
AUG 22 1904
COMMISSION TO FIVE TRIBES.

Washington D.C. 8/15-02 Indian Territory, ____ 19

Received of the Commission to the Five Civilized Tribes

one copy of the testimony in James Martin C.D. 344

Wm Henry White
Attorney for applicant.

D344

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of James Martin for enrollment as a Freedman of the Cherokee Nation, one copy of the original testimony of May 16th, 1901 and one copy of the supplementary testimony of June 1st, 1901.

Mellott Smith

Attorney for Applicant.

6

Cherokee F. #D344.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED MAR 17 1902 MUSKOGEE, IND.

UNCLAIMED

Mr. James Martin,

~~Vinita,~~ Indian Territory.

~~1902~~ RECEIVED APR 22 1902 Vinita, Ind. Ter.

319/288

note filed 3/17/02

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE IND.

REGISTERED JUL 25 1903 MUSKOGEE

James Martin,

Vinita, Indian Territory.

192/192

AUG 26 1903

REGISTERED
APR 23 1902
MUSKOGEE, IN

REGISTERED
JUL 26 1903
Vinita, Ind. Ter.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

James Martin
Mary A. Watson

Dec'd

Dec'd 1904

Card X 1274

As citizen of the Cherokee Nation.

Muskogee, I. T., JUL 1908 190

Respectfully forwarded to the Secretary of the Interior for review.

Acting Chairman.

Case No. 26

Cher Fr R 863
Trans. from Cher Fr D 346

Cher Fr R 863

11 XD346

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 16 1901

ACTING CHAIRMAN.

S U P P L E M E N T A L T E S T I M O N Y.

F.-D.#346.

DEPARTMENT OF THE INTERIOR,
COMMISSI ON TO THE FIV E CIVILI Z ED TRIBES,
NOWATA, I.T., J U N E 24th, 1901.

In the matter of the applic ati on of Hannah Starr for enrollment as a Cherokee Freedman; the following supplemental testimony is offered on the part of applicant:

MARI AH WHITMIRE, being sworn and examined by Commissi oner T. B. Needles, testified as follows:

APPEARANCES:
Lewis T. Brown, Agent for Applicant .
W. W. Hastings, Cherokee Representati ve:

BY MR. BROWN:
Q State your name. A Mariah Whitmire.
Q Your age. A I was 11 years old when the war broke out.
Q Do you know Hannah Starr, the wife of Charley Starr? A Yes, sir.
Q What relation to you is she? A My dau ghter.
Q Where was she born, before or after the war? A Aft er the war.
Q What was Hannah's father's n ame? A His name was Little Mose Whitmire.
Q Does y our n ame appear upon the authenticated roll of 1880?
A Yes, sir.

The 880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of witness found thereon, page 1898, #3178, Mariah Whitmi re, Cooweescoowee Di strict.

Q What is t he name of the father of Hannah Starr? A His name was Little Mose Whitmire.
Q Does his name appear upon the authenticated roll of 1880?
A Yes, sir.
Q Where has Hannah Starr lived since her birth? A Lived right on Big Creek.
Q All the time? A Yes, sir.
Q She lives there now? A Yes, sir, she was born there and she lives there and rai sed there.

THE 1880 Authenticated Roll of Freedmen of the Cherokee Nation exami ned and name of applicant's father found thereon, page 189, #3177, Moses Whitmire, Cooweescoowee District.

BY MR. HASTIN GS:
Q Is Mose Whitmire the father of this child? A Yes, sir.
Q And you are t he mother of it? A Ys, sir.
Q What is your oldest child's name? A Johnson.
Q What is the next one? A Susie.
Q What is your next one? A Hannah.
Q What is your next one? A Bertha.
Q What is the next one? A Helen.
Q What is the next one? A Gertie.
Q Did you have one named Hegal? A N o, sir, that is my stepson.
Q Is Jackson your stepson? A N o, si r , them is my own children I called.
Q Has this girl always lived here? A Yes, sir.
Q Born here si nce t he war or before? A Born sinc e the war I never had any children befe re.

BY COM'R NEEDLES:
Q Why isn't her name on the r oll of 1880? A I don't know.

Q They didn't get their dues on the roll of 1880? A They sho drawed thi s bred money, and she drawed; we drawed twi ce with the Cherokees, me and my children.

BY MR. BROWN:

Q Does the name of all your children you have mentioned except Han nah appear upon the authentic ated roll of 18 80? A Yes, sir.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the C ommission to t he Five Civilized Tribes he correcly recorded the testimony and proc eedings in this case, and that the foregoing s a true and complere transcript of his stenographic notes thereof.

J O Rosson

Su bscribed and sworn to before me this 10th day of July, 1901.

Commissioner.

KD346

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 16 1901

ACTING CHAIRMAN

SUPPLEMENTAL, D 346.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24,1901.

In the matter of the enrollment of Charley Starr as a Cherokee Freedman; being sworn by Commissioner Needles, he testified as follows:

Appearances:
Mr. Louis Brown, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation:

BY MR. BROWN:
Q What is your name?A Charley Starr.
Q How old are you?A I guess I am about 40 years old, I was born in '61.
Q What is your post-office address?A Winer.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman?A Yes sir.
Q Is your name on the roll of 1880?A No sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Are you married? A Yes sir.
Q What is your wife's name? A Hannah.Whitmire.
Q You don't apply for her? A No sir, she enrolled at Vinita, but she wants a little additional evidence in her case.
Q Have you been enrolled?A No sir.
Q What is your father's name? A Jack Starr.
Q What's your mother's name? A Charlotte Mayes.
Q Is Jack Starr living? A Yes sir.
Q Is your mother living? A No sir.
Q Is your name on the rolls of the Cherokee Nation? A Yes sir, on the Kern-Clifton and Wallace roll.
Q What are your children named?A Minerva and Theodore and Mabel.
Q You have been enrolled? A My wife enrolled me I guess.
Q You claim your citizenship through your father? A Yes sir.
Q Has he been listed for enrollment here? A Yes sir.
Q Where were you born?A I was born in the Nation.
Q Cherokee Nation? A Yes sir.
Q You lived in the Cherokee Nation all your life?A Ever since I was big enough to recollect.
Q First place you recollect is in the Cherokee Nation? A Yes sir.
Q You been here ever since? A Yes sir.
Q Never been out of it? A No sir.

BY MR. HASTINGS:
Q What part of the Cherokee Nation have you been living? A Big Creek.
Q Ever since you could remember? A Yes sir.
Q Where were you married? A On Big Creek.
Q Who did you marry? A Mariah Whitmire's daughter.
Q Who married you? A Sam Webber.

BY MR. BROWN:
Q Are you a son of Jack Starr, who applied for enrollment at Chelsea? A Yes sir.
Q Where have you lived since you can first remember? A On Big Creek
Q You own a farm on the public domain of the Cherokee Nation? A Yes sir.
Q Ever voted in the Cherokee Nation? A Yes sir.

BY MR. DAVENPORT, Cherokee Rep've:
Q Ever vote in Kansas?A No sir.
Q Don't own any farm up there?A I don't know about being in Kansas.
Q Never was in Kansas? A I may have been, but I don't know that.

Com'r Needles: The testimony, both original and supplemental, taken in the application of Jack Starr, on D card 443, will be made part of the record in the matter of the applica-

Charley Starr supplemental 2

tion of Charles Starr, enrolled on D 346, and a copy of same will be filed with the application of said Charles Starr.

----***----

M.D.Greenp eing first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green.

Subscribed and sworn to before me this july 8th, 1901.

Commissioner.

F.D. 346

D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of..... ..... A. D. 190....

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.....day of ..... 9/21 ....., 190....

Maxwell Smith

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Charles Starr for enrollment as Cherokee citizens:

Case No. D 346

To Charles Starr or ~~Mellette & Smith~~ his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 17th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-20-1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

NO. 7 D. 346

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ....., A. D. 190

.....

Subscribed and sworn to before me this

.....

.....
Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 24 day of May 1902

Mellette L. Merrick
Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the ..... day of 190

.....
Agent for Applicant.

NOTICE.

In the Matter of the application of Charles Starr.
for enrollment as Cherokee citizens:

To Charles Starr, or Mellette & Smith his attorneys,

Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 27, 1902., A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 24, 1902.

L B Bell
W. W. Hastings
Jas. D. [illegible]
Attorneys for the Cherokee Nation.

No F D 346.

COMMISSION TO THE
AUG 1 1962

Freed D 820

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Hannah Starr, D 346;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

COMMISSION TO THE

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit.

Charles Starr, D 346;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter

Notary Public.

F. D-346.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Charles Starr et al. for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-346.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony heretofore filed in the case of Freedman Doubtful 443 be introduced and made a part of the record in this case and also in the case of Freedman Doubtful 620.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 7th day of July, 1902.

Seal

Notary Public.

Q. Did they settle in the same neighborhood where you lived?
A. Yes, sir.
Q. Did they live there till the Dawes allotment, sir, right there?
A. Yes.
Q. When was it you got back? A. They got back in the fall of April, or 'Oo.
Q. And they came a few days after Andy? A. Yes, sir, about that matter.
Q. Was Charlotte living there when they got back? A. Yes, sir, lived right there on the place.
Q. Did she live with Jack Starr? A. Yes, sir.

Examined by Cherokee Representative Lavenge:
Q. Which came back first, the Cherokee Nation or Abraham Ward, Jack Starr and his family, or Abraham Ward and his family? A. Jack Starr.
Q. How long after that was it until Abraham Ward and his family came? A. They came later, all was getting good.
Q. Was it a month or two months or a year? A. It was not quite two months, I know, before they moved in there.
Q. You sure it wasn't two months? A. No, sir.
Q. You are sure sure that Jack Starr and his family didn't get back to the Cherokee Nation any more than two months before Abraham Ward and his family came? A. No, sir, not that much I know.

J. D. Green, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the testimony of the witness given in the above styled case.

(Signed) J. D. Green.

Subscribed and sworn to before me this August 18, 1902.

(Signed) T. B. [illegible]
Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony and proceedings in this case.

[illegible]

Subscribed and sworn to before me this 1st day of August, 1902.

[illegible]
Notary Public.

FILED
AUG 8 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES
DOCKET DEPARTMENT
CHAIRMAN

R3346

File with F.D-346. (Charles Starr)

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., May 31, 1901.

In the matter of the application of Georgia Starr for the enrollment of herself, her husband, Jack Starr, and her four children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your full name? A Georgia Starr.
Q How old are you? A Well, I don't know exactly how old I am.
Q Well, about how old? A I must be forty some odd; I don't know exactly.
Q What is your postoffice? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Well, myself.
Q Have you got some children? A Yes, sir. (Hands paper to Commissioner)
Q You have four, have you? A Yes, sir.
Q Have you a husband? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q You want to apply for yourself, your husband and four children, is that right? A Well, yes, I guess that is all right.
Q That is all you have, is it? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life, as far as I can remember.
Q Give me the name of your father? A Ben Grimmett.
Q Is he alive? A Yes, sir, he is alive.
Q Give me the name of your mother? A Clarinda Grimmett.
Q Is she alive? A No, sir, she is dead.
Q How long has she been dead? A I declare I don't know. I reckon about 18 years or more.
Q Give me the name of your husband? A Jack Starr.
Q How old is he? A I don't know; he must be about sixty something; I don't exactly know.
Q Where is he now? A He is out here to the camps.
Q How long has he lived in the Cherokee Nation? A All his life, I guess.
Q Do you know the name of his father? A No, sir, I don't.
Q Do you know the name of his mother? A No, sir, I have heard him call her name several times, but I don't remember his name. He is around here.
Q When were you and he married? A Well, I declare I don't know, Mister, he can tell you more about it than I could.
Q Is your oldest child Walter? A Yes, sir.
Q How long before Walter's birth were you married? A About two and a half years.
Q Walter is 17 is he? A Yes, sir.
Q You have been married nearly twenty years? A Yes, I guess it has.
Q Were you ever married before you married Jack Starr? A No, sir.
Q Was he ever married before he married you? A Yes, sir.
Q How many times was he married? A Only once.
Q Who was his first wife? A Charlotte Mayes.
Q Was that wife dead when he married you? A Yes, sir, she was dead.
Q Was she a Cherokee Freedman? A Yes, Cherokee Freedman.
Q She died before you and Jack Starr married? A Yes, sir.
Q Give me the names of your four children. The oldest one is named Walter Starr? A Yes, sir.
Q He is 17 years old, is he? A Yes, sir.

Q The next one, Herbert? A Herbert Starr.
Q He is 13, is he? A 13.
Q The next one is? A Earmy.
Q Earmy is 9? A Yes, 9 years old.
Q The next one? A Mark.
Q He is four years old? A Yes, four years old.
Q Are they all living now? A Yes, sir.
Q Did you have a brother named George? A No, sir, I am the only one; they called me George and Georgia.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 108, No. 1216, George Grimmett, Cooweescoowee District.

The applicant's husband is not identified on the 1880 authenticated roll.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants notfound thereon.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kerns Clifton roll examined and the names of the applicants are found thereon as follows:
Page 10, No. 247, Georgia Starr, Cooweescoowee District.
Page 140, No. 3489, Jack Starr, Cooweescoowee District.
Page 10, No. 248, Walter Starr, Cooweescoowee District.
Page 10, No. 249, Herb Starr, Cooweescoowee District.
Page 10, No. 250, Erna Starr, Cooweescoowee District.

JACK STARR, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jack Starr.
Q How old are you? A To the best of my knowledge, I am about 66 this year.
Q What is your postoffice? A Centralia.
Q Are you the husband of the applicant there, Georgia Starr?
A Yes, sir.
Q About how long ago was it when you and she were married?
A Well, it's been about 19 years I guess now.
Q Were you ever married before? A Yes, sir.
Q What was the name of your first wife? A Charlotte Whitmore. She was a Mayes; he father was Mayes.
Q Was she dead when you married this wife? A Yes, sir, she was dead two years and six months.
Q I don't find your name on the roll of 1880 or the roll of 1896, cane you explain why you are not on the roll of 1880?
A Just because the Cherokees wouldn't put me on; they have been trying to lose us all they could.
Q What reason did they give for not putting you on? A I don't know; they didn't claim us.
Q How long do you claim to have lived in the Cherokee Nation?
A I have lived here ever since I can recollect.
Q Since before the war? A Yes, sir.
Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.
Q To whom did you belong? A Old Dr. Thornton, when the war broke out.
Q What was his full name? A John.
Q Dr. John Thornton? A Yes, sir.
Q Where did he live? A In goingsnake district, in the east part.

Q Was he a recognized citizen of the Cherokee Nation? A Yes, sir, I guess he was; he was an Indian.
Q Where did you go during the war - where did they take you? A They didn't take me anywhere; I took myself in the first Indian Regiment.
Q Where did you enlist? A I wasn't a soldier; I was a teamster and working for officers.
Q Where did you join the regiment? A I went into it when it started north.
Q Where was it? A By Lewis Ross' place somewhere.
Q Where did you go with them? A I went up north with them.
Q Up in Kansas? A They went there to Kansas; they went up to Drywood, twelve miles this side of Fort Scott and stayed a while and then they come back and went to Arkansas and the edge of Missouri.
Q Where were you when the war closed? A At Fort Gibson.
Q Were you there at the time you quit working for the regiment? A Yes, sir, that is where they disbanded and turned them loose; the Cherokees told them to go.
Q What year was that, do you know? A I think I am not very well posted in dates; I think it was '65.
Q What time of the year did they disband then? A Well it was along about the middle of the summer or spring; I disremember now.
Q Well, where did you go after you quit that regiment? A I went up into Kansas where my wife was.
Q She had been carried up there? A Yes, sir, by the government teams.
Q What did you do up there? A I didn't stay there very long. I worked around there at Fort Scott for a while until I got myself a plug of a team and come back to the Nation here.
Q Cherokee Nation? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir.
Q Was that your wife, Charlotte? A Yes, sir.
Q Well, when was that you brought your wife back? A That was along about the first of September or last of August, or somewhere along therein the year of '66, after I went up there. I went up in October in '65, and come back in '66.
Q Where did you locate when you came back with your wife? A Up on Big Creek in Cooweescoowee District.
Q How long did you live there? A From that date until this.
Q Always lived at the same place? A Yes, sir.

By W. W. Hastings: Did you come back in a wagon? A Yes, sir.
Q Your first wife with you? A Yes, sir.
Q How many children did you have? A I had three at that time, I think. No, two I believe.
Q What were their names? A One was named Charlie and one was named Aaron and Peggie.
Q Were these children all born before the war? A No, sir, one was born in the time of the war. No, I am mistaken, two was born before the war and one in the time of the war.
Q Which one was born in the time of the war? A Peggie.
Q Where was she born? A She was born up there while I was down here.
Q Who came back to the country with you? A Well, there was old man Mayes' folks, Berry Ward.
Q What Mayes? A Dave Mayes.
Q Dave Mayes come with you, did he? A Yes, sir.
Q Who else come with you? A Sam Whitmire and Jesse Whitmire.
Q Anybody else? A Yes, sir, there was old man Berry Ward; he is dead now. There was several come along; it has been a long time to recollect these things. I told you once who came along with us.
Q I am seeing if you remember the same way this time? A I don't

keep no dates, and I can't recollect them all the time; I am trying to tell you the same I told you before.
Q You said before Dave Mayes was living in the Cherokee Nation when you came? A No, sir, I don't think I did.
Q You swear now that he come with you? A Yes, sir, he come with us.
Q What part of the Cherokee nation did you come to? A Come on the north part of this district up on Big Creek.
Q How far from the Kansas line did you settle? A I don't know how far; it is some ten or fifteen miles.
Q How far did you come from the place where you are now? A Not more than a mile.
Q You came to the same neighborhood? A Yes, sir, same place. I live right on the same place that I first improved.
Q How far did Will Martin live from you at that t ime? A Who is that?
Q He is a Cherokee citizen? A He was in Kansas somewhere; he wasn't there when I come there.
Q You are positive about that? A Yes, sir.
Q Where was Jim Martin? A He was always somewhere, I don't know.
Q A few Osages were there? A Yes, sir, there were some Osages there; they stole horses from us.
Q They were the only ones beginning there at that time? A That is all I know at that time.
Q Were there a good many houses on Big Creek when you come? A Good many foundations and log houses; they were putting up some there; not very many.
Q Were Aaron Wright and Lewis Wright there? A Yes, sir.
Q Casesar Smith? A He come with me, Casesar Smith come with me.
Q How about Mike Sanders? A He was there when I come there.
Q Did he have a place? A Yes, sir.
Q A house? A Yes, sir, some kind of a log hut.
Q How far did he live from you? A About a mile I guess from where I am living now. He lived about one mile.
Q How long did you stay at Fort Gibson after you were mustered out of the sefvice? A I wasn't a soldier.
Q After the others were mustered out? A I stayed around there- I left there about the first of October. I know there was a little frost. I went to Kansas with Tim Walker.
Q Cherokee Tim Walker? A Yes, sir.
Q Dick Walker's father? A I don't know; I guess it was his son.
Q You went with him? A Yes, sir, I rid up in his wagon myself and one of his boys was along; I don't know his name.
Q Whatdid you do up in Kansas? A I knocked around there, enough to get me a plug old team and get back; I couldn't tell you what I worked; one thing and another.
Q You worked long enough to get a team and wagon? A Yes, sir, I got an old wagon that lasted until I got down here.
Q You supported your family in the meantime also? A Yes, sir.
Q And you think you came here in August? A First of September or last of August.
Q You know it wasn't later than September? A Yes, sir, I know it wasn't later than that.
Q Was Sam Weber already living down there then? A Yes, sir, he was living there.
Q Harru Still was there? A Yes, sir.
Q Lewis Wright? A Yes, sir.
Q These people had houses there when you come? A Harry Still didn't; they were down on the foot of Lightning Creek.

You are certain you never saw Will Martin? A I have seen him, but I never saw him when I come that year that I know of.
Q There were no Cherokees there then? A Dick Carter was down somewhere on the Verdi Gris, and a man by the name of Coker was there.
Q Cal Coker? A John Coker.
Q You built yourself a house right away after you come? A Yes, sir, as soon as I could; I lived in a camp a while.
Q From whom did you get provisions to live on the first year?
A I fetched some with me, all I could; and where I could get it; once in a while a wagon would come in from Missouri, from Chetopa, hauling flour and a piece of meat to sell, and I would get hold of a piece once in a while.
Q From what place in Kansas did you say you come? A Up there by Fort Scott.
Q Did you come by way of Chetopa? A I come alittle west of Chetopa. I don't know whether there was any Chetopa there then; it was just starting; I didn't come on any railroad then, I am certain ofthat; there wasn't any railroad then.
Q You are certain there wasn't any railroad? A Yes, sir.
Q You are not certain whether there was any Chetopa, are you?
A I am not certain; there was a little place at Oswego then.
Q Wasn't Chetopa your nearest trading point when you came to the Cherokee Nation? A Yes, sir, that was the nearest point, but I didn't have any provisions to get.
Q Didn't you say you were getting provisions? A There was a mighty little Chetopa there.
Q When did you go to Coffeyville first? A I don't know that there was a Coffeyville then there. There was a little town Centralia before I knew of Coffeyville.
Q That was the town that was incorporated there the last few years in where you are living? A No, not Centralia; they moved down and then made old Parker. There was two or three stores there.

Commissioner: Did you get out a Cherokee license when you married this wife, or did you just have a preacher marry you?
A Just a preacher married us.

The applicant applies for the enrollment of herself,her husband and four children. The applicant is identified on the roll of 1880 and the Kerns Clifton roll as a Cherokee Freedman. She has lived in the Cherokee Nation all her life. Her change of name arising from marriage is established in a satisfactory manner, and she will now be listed for enrollment as a Cherokee Freedman. Of her four children named in the testimony, the three older are identified on the Kerns Clifton roll. Her lawful marriage to her husband, the father of these four children, is established in a satisfactory manner; they are all now living. The first three will now be listed for enrollment as Cherokee Freedmen; and when she supplies the Commission with a certificate of birth of the youngest child, Mark Starr, this child also will be listed for enrollment as a Cherokee Freedman. As for the applicant's husband, Jack Starr, he states that he was a slave in the Cherokee Nation at the beginning of the Civil War, and that he has lived in the Cherokee Nation all his life, except a brief absence during the period of the war with the first Indian Regiment, and that he left the service when that regiment was mustered out in 1865, and that he was then with the regiment at Fort Gibson, Indian Territory. He claims to have gone to the State of

Kansas in a very short time, perhaps a few weeks after he left the service, for his wife and children; his wife at that time being his first wife who he states died before he married his present wife, and that he brought them back in the succeeding August or September of 1866, and that he has lived in the Cherokee Nation ever since. He did not marry his wife under a Cherokee license.

Q You married your first wife in slavery time, didn't you?
A Yes, sir.

Judgment continued.

And the only claim he makes to enrollment is of his own right. He is identified on the Kerns Clifton Roll, but not upon the roll of 1880, or upon that of 1896. For the further consideration of his testimony, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

Supplemental.

Examined by W. W. Hastings of Jack Starr continued:

Q These men who had houses, whose names you have mentioned in your testimony as being down there when you came to Big Creek, they had their families, did they? A Yes, sir.
Q Had Sam Webber put in a crop of corn that year? A Well, he might have had a patch of corn. They had a roasting-ear patch.
Q When you come? A Yes, sir.
Q All of them had small patches? A Yes, they didn't raise anything to amount to anything. I saw a patch around his house there.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 1st day of June, 1901.

(Signed) C. R. Breckinridge,

Commissioner.

Supplemental D-443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

Supplemental testimony in the case of Jack Starr for enrollment as a Cherokee Freedman.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Mellette & Smith, Applicant's attorneys,
and J. S. Davenport, Cherokee Attorney, present.

Q Give me your name? A Sam Webber.
Q How old are you? A About 58 somewhere about there.
Q What is your postoffice? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here and went out and come back in '66 and been here ever since.

MR. Mellette: Do you know the applicant, Jack Starr? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A He come in the fall of '66.
Q Who came first in the fall, you or the applicant? A We come a little ahead; he come a few days after we moved, he settled there by us.
Q Where has he lived since that time? A Right there where he settled.
Q Has he a farm there now? A Yes, sir.

J. S. Davenport: How did it happen that he didn't get on the 1880 roll? A I don't know.
Q You had a patch and was cultivating it when he come, didn't you? A No, sir.
Q Didn't you have a roasting-ear patch when Jack Starr got down there? A No, sir, didn't have no roasting-ear patch.
Q He was mistaken then if he testified that you had a roasting-ear patch when he come? A He must be. I never had one until the next year.
Q When did you come back down there, Sam? A In July, and went back and moved.
Q What year in July? A In '66.
Q You came down before the treaty was made? A Yes, sir.
Q And came back in what part of the year? A When we come to build, we left Kansas the latter part of July and stayed until August.
Q And stayed there until when? A We went back as soon as we could put up some shanties.
Q And come back in the fall? A Yes, sir.
Q Did you clear out any patch then? A No, sir.
Q Who was with you when you first come down there? A Russell Vann, my father, Mike Sanders, Reuben Sanders.
Q When this applicant came, who came with him? A Uncle Dave Mayes, Santa Ann Nivens and Caesar Smith and boys.
Q He came then some time after you came? Yes, sir, not a great while behind us.
Q Was Bill Martin living there on Big Creek when he came?
A No, sir, he wasn't there.
Q Where was he living when Bill Martin came on Bog Creek? A Right there where he made himself a place.

Q Has he been a recognized citizen up in that country or a disputed one? A Well, I couldn't tell you about that.
Q Well, you have been around that country and preaching; you know who are citizens and who are disputed? A I have seen them let him vote and sometimes they didn't let him vote.
Q Has he been disputed? A They call him a disputed citizen.
Q There are a great many disputed citizens up there who have farms, have they? A Yes, sir, they have farms there, some that are disputed.

Mr. Mellette: Are you on the roll of 1880 as a Freedman? A Yes, sir.

LEWIS WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Lewis Whitmire.
Q How old are you? A 62 years old as near as I know.
Q What is your postoffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A I never was out of the Nation.
Q Not during the war? A I have been living there all my life, growed up there?
Q Were you out during the war? A I was part of the time in the nation with the Cherokee army, and the other part in Missouri and Kansas driving teams.

Mr. Mellette: Are you on the roll of 1880? A Yes, sir.
Q As a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, Jack Starr? A Yes, sir, I know him.
Q Do you know when he returned to the Cherokee Nation after the war? A Why, I think so.
Q When did you see him in the Cherokee Nation after the war first? A The first place I seen him was up on Big Creek.
Q What time? A Why it was along in the fall of '66. I don't know exactly what time.
Q Where was that you saw him? A Up here on Big Creek in the neighborhood where he lives now.
Q Where has he lived since that time? A He has been living there all the time to my best knowledge. I have noticed him there all the time; I never knowed him to be out since that time.

J. S. Davenport: What makes you remember it was in the fall of '66 when you saw him up there? A Why it was called that year when he come there, that is the only reason I remember.
Q Do you know how long he had been there when you saw him? A I saw him when he moved in.
Q You don't know where he was living before that? A No, sir, I don't.
Q You don't know where he has been any other year, where he has been living specially since that year? A He never has been away since that.
Q Q How does it happen that he is not on the roll of 1880 if he ~~[illegible]~~ came there in '66? A I can't tell you, sir.
Q He has been a disputed citizen all the time? A That's what he has I guess.
Q You understood that all along, haven't you? A I understand that.
Q That he didn't return in time under the treaty of '66? A Yes, sir.

Q And still you think he came back there in '66? A I am real positive he did.
Q Did he come when Sam Webber come? A He come along a little time after Sam Webber did.
Q Well, when did Sam Webber come, what year? A Sam come in '66.
Q Sam had a roasting-ear patch growing when this man come?
A Not that I know of. I lived ten miles from there.
Q Well iif this man testified that Sam had that patch, is it true or untrue? A I can't tell you; I wasn't there maybe at the time when a corn patch was made and growing.
Q Did Sam Webber come early enough in '66 to have a corn patch?
A Sam Webber come in the summer of '66.
Q He couldn't very conveniently had had a corn patch growing by the time this fellow got there? A I couldn't tell you about that, but I saw him.
Q You wouldn't swear positively as to what year it was, would you, Lewis? A Yes, sir.
Q Would you swear positively it was '66? A That was what everybody called it at that time.
Q What year was the Wallace roll made? A Well now sir you are getting away from me. I don't date nothing, and I don't recollect.
Q You know it was made at a certain time and you were interested in that at that time as well as you were interested in the '66 treaty? A I was put on the '80 roll, but I don't remember when that was.
Q What year was the Kern Clifton Roll made? A I think it was in '96.
Q But you think it is positive that it was forty years ago when this man come here? A Yes, sir, he come here in '66 when they called it over to me.
Q Did everybody call it to you? A Yes, they said it was '66.
Q Lewis, you don't belong to the Nelson Murrell's Protective Association? A No, sir, I don't.

Mr. Mellette: Now he asked you how this applicant didn't happen to be put on the 1880 roll, and he asked you if you don't know if it wasn't because he didn't get back here in '66. Do you know if anybody will say that he didn't get back here in '66?
A I don't, if they know as much about it as I do.
Q Do you know of anybody that would swear, or did you hear of anybody that would swear he didn't get back here in '66?
A No, sir.

J. S. Davenport: You were living there by him in '80, were you?
A Yes, sir.
Q And Sam Webber was living there? A Sam Webber lived close neighbors, and I lived ten miles.
Q Both of you knew about the facts as much as you do now?
A Of course we do.
Q Neither of you ~~swore for the Kerns Clifton Commission?~~ swore for him before the Kerns Clifton Commission? A I didn't.

Commissioner: Did you ever give evidence for this man, Jack Starr, at any time when he was trying to get on the roll? A No, sir, I don't think I did.
Q How does it happen that there were so many living there who knew he had come back and yet let him stay under the cloud of a doubtful citizen? A We couldn't put a man on the roll. We had nothing to do with the books.
Q Couldn't you have given evidence? A We might if they had called on us; they never called on us.

Q You were never called on to give evidence? A No, I never was called on; I could have give it the same as I am giving in now.

Mr. Mellette: Isn't it a fact that when the '80 roll was made, the Cherokee citizens passed around through the country and in many instances failed to call on people for evidence as to whether they came back in time or not? A Well, I don't know whether they did that or not. I know they failed to put them on because they had them already enrolled as doubtful citizens in that year when they made the '80 roll. They were already enrolled.
Q Who took the '80 census for the Freedmen in behalf of the Cherokee nation up in your country? A Up in my neighborhood. I know the man well.
Q Who was that? A Dick Duck and John Hicks.
Q Dick Duck is a Cherokee who talks pretty fair English?
A Yes, sir.
Q He is almost a full blood? A Yes, sir/
Q He lives down to Catoosa? A Yes, sir, he is the man that took my family down; he and John Hicks.
Q And Dick Duck is the man that came to your house? A Yes, sir.
Q Was John Hicks up in that country at all? A John Hicks was with him when he come to my house; they ate dinner with me.
Q Do you know whether Dick Duck is an educated man or not- can he write? A I don't know whether he can. I am not well acquainted with him about that.

J. S. Davenport: You know as a matter of fact that when any parties were missed in 1880, that there was created a revising committee to perfect that roll and put them on in 1880? A I don't know that Mr. Davenpoirt; there might have been.
Q Do you know Moses Whitmire? A Yes, sir.
Q Do you know that Moses Whitmire and his family were added by the revising committee and that the 1880 roll shows it if you had examined it? A I never examined it. I can't read. I would have to have somebody examine it for me, and I never had anybody to examine it for me.

J. S. Davenport: I want to show that Moses Whitmire and others had been added by the revising committee in 1880, which relates to Moses or Martin Whitmire.

Mr. Mellette: I think that would be a very peculiar proceeding. There is no law for a revising committee, and it is immaterial in this case.

Commissioner: There may have been a revising committee and it is recalled in a general way at this time that in a number of cases names were added to the roll of 1880 by the revising committee. This committee may have had power before the final adoption of the roll to both add and strike off names , and the name of the committee would indicate, but the existence of such power on the part of the committee would not of itself be of material consideration as to the rights of a claimant under the treaty of 1866, but whose name does not appear upon the roll of 1880.

Commissioner: Now Lewis Whitmire, when these people who were taking the census of 1880 came around to put you on the roll, what did they ask you, what did they do to find out whether you were entitled to go on that roll? A Why they just asked me if I was recognized by the Cherokees, and I told them, yes, and I supposed they knew I was recognized by the roll, but they didn't put one of my family on; thay left my oldest child off,my step-child;

I raised right in the house with me. I married her mother when she was a little over two years old; she wasn't at home; she was working out and they never did put her on the roll.
Q Now was that child's mother a Cherokee Freedman? A Yes, sir.
Q Had she been a slave? A Yes, sir.
Q What reason did they give for leaving that child off? A Why she wasn't at home, and I suppose they thought she was grown; she was fourteen going on 15, and they thought she was grown. Dick Duck told me afterwards he thought she was a grown woman. When they went to my brother's she was working, and they didn' t put her on, and I suppose if she had been at home they would have put her on the roll, but she wasn't there, and I made a statement to him when they went away, and they said they would put her name on when they got to my brother's, and she went to another neighbor's and they never did put her on.
Q Did they ask you that time what year you came back from Kansas? A They asked me if I was recognized, and they opened a book and that was all.
Q Now this man, Jack Starr, had he been treated as a doubtful man before that? A Yes, sir, I suppose he had.
Q Had you heard before that th at he had been called doubtful? A I heard that before the election. I heard he was a doubtful citizen one year before that at an election time, and I can't tell how far before that.
Q Had thay ever bothered you before that about voting? A No, sir, they never did after they recognized my in the Supreme Court, but they did one or two years before I went to the Court and proved my right.
Q That was before the roll of 1880, was it? A Yes, sir.
Q So you had gone to the courts and proved your rights? A Yes, sir.
Q Did you tell the enrollment officers that? A No, sir, they knowed it.
Q Well now, do you know whether Jack Starr ever went there to prove his rights? A No, sir, I don't.

J. S. Davenport: What was the name of that step-daughter of yours? A Lizzie.

Commissioner of Applicant, Jack Starr: Did you ever apply to the Cherokee Court up at Tahlequah to have your rights as a Freedman recognized? A I went once when Bob Daniels had a court after they took about a paper, and it didn't say anything about colored or Indian; and it said "Come and prove your right."
Q You went up there? A I went up there on horseback.
Q What did they do when you went up? A They laughed at us and said for us to go back and go to work.
Q Do you remember when Lewis Whitmire went up there to have his rights proved? A Yes, sir, there was another court sitting. I believe they called it the Chambers Court.
Q Did he go after you or before you did? A He went after I did; he went to the Chambers Court; they admitted him.
Q Well, you didn't go back to the Chambers court? A No, sir.
Q So that is all you had to do with courts about the business? A The second chief, Bill Penn Adair, I believe, when I went down here, they said to go to the government they freed you, go to them.
Q Well you didn't stop at that, you went to the court and found out they weren't dealing with colored people? A Yes, that was the same time; he was in the same house there at Tahlequah and we came back home.

Mr. Mellette: Well, Jack, how long had you been free at that time? Well, it must have been- I don't know exactly; ' it must have been four or five years, or three or four.
Q Did you know anything about business muvh? A No, sir.
Q Had you been raised to understand anything about courts?
A No, sir.
Q Are you able to read and write? A No, sir.

J. S. Davenport: Well Jack, you come back with Sam Webber to the Cherokee Nation after the war? A No, sir, I come alittle after he did.
Q Do you know whether or not Sam Webber applied to the Bob Daniels' Court to establish his rights as a Cherokee Freedman?
A Well there was thirty or forty of us. I believe the old man was along.
Q Don't you know that Sam Webber and his family and Johnson Webber and Charles Campbell applied to the Bob Daniels' Court at the time you went down there, and they were all admitted and you didn't make no application or was rejected if you did apply?
A No, sir, they applied, but I don't think----I think they did like I did.
Q Don't you know they applied and were admitted by the Bob Daniels' Court? A No, sir.

Commissioner: Did this man go the same time you did? A There was some of them went. I aint certain whether Sam Webber went. I think old Sam Webber was along. I forgot about Sam, and I don't know about this man or not.

J. S. Davenport: Was Johnson Webber along? A I don't remember.
Q Or Harry Still, was he along? A I don't know whether he was along. I know Mike Sanders was along, Caesar Smith, a whole lot of them was along.
Q Do you remember what year it was that you went down there to that Court? A No, sir, I don't.
Q Was it a few years after you come back to the Territory?
A Yes, sir, it wasn't more than one year or two years.
Q A short while after you came back? A It might have been three.
Q Have you no recollection; you live in the Webber neighborhood- did you hear of them talking about their going down there and proving their right? A No,,sir, I know they went down there a time or two. Old man Webber, they owned him down there somewhere, and he went down among the full bloods and around in there.

LEWIS WHITMIRE recalled and examined by Commissioner:
Q Did Jack Starr go to Tahlequah the same time you went there to get your rights proved? A No, sir.

Commissioner of Applicant: Did you go with old man Sam Webber?
A Yes, sir.

J. S. Davenport: Didn't old man Sam apply and his family and Johnson Webber? A Well I couldn't tell.

Commissioner: Did this Sam Webber who testified in your case, did he apply the same time you did down at Tahlequah? A Well I aint certain whether he was in that crowd, but he applied to the Chambers' Court, I think.
Q Is this the son of old Sam? A Yes, sir.

Mr. Mellette of Applicant: Did the tell you to bring your witnesses and prove that you had come in in time to be a citizen? A No, sir, they didn't. They told us at that Court to go home and go to work; they were not calling for niggers; we didn't want you; that is what they said.
Q You didn't know anything to do but to go home? A I didn't know anything else to do but to go home. I didn't have much of a home to go to.

J. S. Davenport: Well they didn't tell old Man Sam Webber to do that; they didn't tell him to go than? A If he was in the crowd they told him.
Q Was he in the crowd? A One of the Sam Webbers was along, I think; Mike Sanders and Caesar Smith; there were thirty or forty of us and they told us all to go back.

MOSES WHITMIRE, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give your full name? A Moses Whitmire.
Q How old are you? A Why I am seventy some odd years old--75 I expect.
Q What is your postoffice? A Hayden.
Q How long have you lived in the Cherokee Nation? A Well, I lived in it all my life.
Q Are you on the roll of 1880? A Yes, sir.

Mr. Mellette: Mose, where were you when the 1880 roll was made? A I was on Lightning Creek.
Q Who took the census for the Cherokees up there? A John Hicks and Dick Duck.
Q Did they put all of your family on the 1880 roll? A No, sir.
Q How many did they leave off? A Two.
Q Which ones? A Ed Wright and Melissa Ratliff.
Q Were they members of your family? A There was my wife's niece, Melissa was, and Ed was my wife's son. I brought them with me.
Q Where from? A From Kansas.
Q You brought them when you came? A Yes, sir.
Q Had their parents been slaves? A Yes, sir.
Q And your brought them with you when you came from Kansas? A Yes, sir.
Q You are on the roll of 1880? A Yes, sir.
Q Did you give them their names? A Yes, sir, I gave their names in.
Q Did they take them? A Yes, sir, they took them all right.
Q But they were left off? A Yes, sir.
Q Where are these people now? A They are here.
Q On the ground? A Yes, sir.

J. S. Davenport: Mose, there has never been any controversy about your return in time under the treaty, has there? A I don't know thattere has.
Q Did you ever go to any of the Courts to prove that you returned in time? A Yes, sir.
Q You proved up,did you? A Yes, sir.
Q When John Hicks and Dick Duck came to your house, did they refuse to list any of your family? A Yes, those I told you about.
Q You say they took the names? A Thay took the names, but they are not on any roll.
Q They listed them and never questioned anybody about their rights to be enrolled? A Not at my house.

Q They didn't question you that these two children were a part of your family, did they? A No, sir, didn't say anything about it.
Q In fact, Mose, didn't the Freedmen like yourself and Lewis Whitmire furnish them with reference to those that had been decided against by the Court and held not to be Freedmen who had not returned in time? A No, sir, we went to all the Courts.
Q But you didn't apply to any but the Bob Daniels' Court?
A I applied to the Chambers' Court; that is where we got our rights. The Bob Daniels' Court wouldn't have anything to do with us.
Q You had no trouble of proving up, Mose? A No, sir, I didn't have no trouble.

Mr. Mellette: You went to the Bob Daniels' Court and he told you he wouldn't have anything to do with you? A He told us to go back home; they said they weren't working with us; they were working with Cherokee Indians.
Q Then when you went back to the Chambers' Court, who did you go to see? A We went before John Chambers. I forget who they all were.
Q Did you have a lawyer? A Yes, sir.
Q A Cherokee lawyer? A Yes, sir.
Q Who was it? A Old J. P. Boudinot.
Q He took you in before the Court? A Yes, sir, and got us a certificate that admitted us.
Q Well suppose a man didn't have anything to employ a lawyer when he got there? A Well, I don't know what about it.

J. S. Davenport: Was Joshua Whitmire any relation to you?
A Yes, sir.
Q Didn't he apply to the Bob Daniels' Court and was admitted?
A I don't know what Court admitted him.
Q Have you been living in the neighborhood that he lived? A Not at that time; he was living at Tahlequah at that time.
Q He applied to some Court and was admitted? A Yes, sir.
Q You know Sam Webber applied to the Bob Daniels' Court and was admitted? A No, he wasn't admitted because we were all together and we left together, and they might have gone back, and I went down to Sam Webber's and a whole lot of us.
Q Who else besides Sam Webber? A I don't know ~~all~~ who all.
Q Was Johnson Webber along? A I don't know.
Q Was Charles Campbell along? A No, sir, he wasn't along.
Q You did go with Sam Webber? A Yes, sir,; Mike Sanders.
Q And you don't know whether Bob Daniels' Court admitted him or not? A No, sir; I know they were admitted by some Court; they didn't do it at that time.
Q You know what Court admitted them, don't you? A No, sir, I don't know.
Q You have been the trustee for the Freedmen of this country in all the litigations, haven't you? A I have for years.
Q And you know all about the Freedmen? A I don't know them all, I know some.
Q You have known Sam Webber for years? A I have known him all my life.
Q And then you don't know what Court admitted him? A No, sir, I never inquired about it.
Q But you went with Sam Webber to the Bob Daniels' Court? A Yes, sir and I went into the Chambers' Court.
Q Did Sam apply to the Chambers' Court? A I don't know; we went right on ourselves.

Mr. Mellette: Did you put up any money when you went down there to your lawyer or to the Court? A O, no, sir, we paid our lawyer for his services.
Q How much did you pay him? A I believe I gave him a horse. I paid him for my cases, for the two cases; there were three cases, four with my wife.
Q You never made any headway until you did get a lawyer, did you? A No, sir, I didn't.
Commissioner: Did Jack Starr go with you any time to the Court?
Q Well, I guess Jack Starr was along the time we went to the Bob Daniels' Court.
Q Do you remember it? A Yes, sir, I remember it.
Q Did you get any satisfaction out of the Court that time?
A No, sir, I didn't.
Q It was afterwards that you went to the Chambers' Court, was it? A Yes, sir, afterwards.
Q Did Jack Starr go with you? A No, sir.

J. S. DAvenport: I would like to offer that part of the minutes in the Sam Webber case found on page 64 of the Minutes of Special Court of Commission of the Supreme Court of 1871.
Mr. Mellette: I object to that because the action of the report in the Webber case is not material in the case at bar. I desire to object to the introduction of that because it is not a proper authenticated proceeding of that court, and because the introduction of the admission of Sam Webber is not material in the case before the Commission.

Commissioner Breckinridge: I would like to ask the representative of the Cherokee Nation if this journal of the Court was kept by the order of the Court and approved at regular periods of the Court.
J. S. Davenport: It was kept by the Clerk of the Supreme Court; had the power to hear nad determine these character of cases by the Supreme Court, and the Clerk of the Supremem Court kept the record.
Commissioner: But the point I want to inquire about is whether that record kept by the Clerk was by the order of the Court.
J. S. Davenport: Yes, sir.
Commissioner: And if the record is approved at stated periods by the Court.
J. S. Davenport: No, sir, they required the Clerk to keep it as the proceedings were had.
Commissioner: But it wasn't approved by the Court? A No, sir, he was told to keep a correct journal of the proceedings of the Court.
Commissioner Breckinridge: The Cherokee Counsel is desired to supply the Commission with the book of minutes of the Special Court of Commission, Supreme Court, 1871, when they are through with the use of it in these current proceedings. But the present examination of the minutes does not indicate that these minutes are of the nature of an approved journal.

SAM WEBBER recalled by Commissioner Breckinridge:
Q Did you go with your father to Tahlequah? A Yes, sir.
Q When he went there to prove your rights as a Cherokee Freedman?
A Yes, sir.
Q Did Jack Starr go with you the same time? A I can't remember whether he went or not; there was a big crowd that went.

Q Did you go there more than once? A I never went with him but the one time, but there were others went after that.
Q I am talking about you and your father. You and your father went once? A Yes, sir.
Q And that is all you and he went? A Yes, sir.
That was before the Chambers'Court sat? A Yes, sir.
Q Did you and your father get your rights acknowledged by the Court you went to? A We did that time.
Q You were never called in question afterwards? A No, sir.
Q Did you employ a lawyer? A No, sir, we didn't employ a lawyer.
Q Did you go with your father before the Court? A I didn't go in; father went in.
Q Did your father employ a lawyer? A No, sir, he didn't employ a lawyer; he told me that.
Q D you know anything about Jack Starr applying at that time? A No, sir, I don't know whether he did.
Q Do you know whether he went into the court or not with your father? A No, sir.
Q Do you know whether he went into the Court at all? A No, sir.
Q Did you have any talk with Jack Starr about the proceedings of that Court before you left there? A No, sir.
Q Have you ever talked with him since about it? A No, sir.

This will be filed as additional testimony in Cherokee Doubtful case 443.

The undersigned, being duly sworn, states that as stenogpapher to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 9th day of July,1901.

(Signed) C. R. Breckinridge/

Commissioner.

Supplemental, D 443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24,1901.

In the matter of the enrollment of Jack Starr as a Cherokee Freedman; HARRY STILL, being sworn by Com'r Needles, testified as follows:

Appearances:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. BROWN:

Q State your name? A Harry Still.
Q What is your age? A 54; my postoffice is Hayden.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q You know Jack Starr? A Yes, sir.
Q You know when he returned to the Cherokee Nation after the Civil War? A When I saw him was in '66.
Q Where was he living? A On Big Creek, ever since.
Q Has he any children? A Yes, sir.
Q You know whether he has a child named Charley Starr?
A I know him well; I have knowed him all his life.

BY MR. HASTINGS:

Q Where did you see Jack Starr first after the war?
A First time I saw Jack Starr after the war was in Ft. Scott.
Q But where in the Cherokee Nation? A On Big Creek.
Q What place on Big Creek? A Where he lives now, about half a mile from where he lives now, in the edge of the timber.
Q That's where you saw him? A Yes, sir.
Q That was in '66? A Yes, sir.
Q How long before Christmas? AX Somewhere in November.

M. D. Gfeen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this July 8, 1901.

(Signed) T. B. Needles,

Commissioner.

To be filed in case of Jack Starr, C.F.D-443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Lizzie Starr for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, she testified as follows:

SAM WEBBER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Sam Webber.
Q How old are you? A About 58, as near as I can remember.
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here, and returned here in '66, and have been here ever since.
Q Are you on the roll of 1880 as a Cherokee Freedman? A Yes, sir.
Q Do you know this woman here? A Yes, sir.
Q What is her name? A Lizzie Starr.
Q What is the name of her father? A Jack Starr.
Q Has she got a brother named Charley Starr? A Yes, sir.
Q You know his wife? A Her name was Hannah Whitmire before he married her.
Q Now do you know this woman's mother? A Yes, sir.
Q What was her name? A Charlotte Starr.
Q Was she a slave in the Cherokee Nation when the war broke out? A Yes, sir.
Q Have you known this woman all her life? A Yes, sir.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q She is a daughter of Charlotte and Jack Starr? A Yes, sir.
Q Charlotte is dead? A Yes, sir.
Q Been dead many years? A Yes, sir.
Q To whom did Charlotte belong before the war? A Johnson Whitmire.
Q Was Johnson Whitmire a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You knew him as such, did you? A Yes, sir.
Q Where did Charlotte and Jack go during the war? A They went to Kansas.
Q Do you know when they came back from Kansas? A Yes, sir.
Q When? A They came back in thefall of '66, just behind us, in the crowd of Dave Mayes and them.
Q Did they have any children living at that time with them? A Yes, sir.
Q Who was with them? A Had a son they called Aaron Starr, he died.
Q How long has he been dead? A I couldn't tell you exactly it has been right smart little bit.
Q Do you know when Charlotte and Jack were married? A No, sir, I don't know nothing about their marriage, it seems they were married before the war; they were together.
Q Back in slavery days? A Yes, sir.
Q Did they live together until Charlotte died? A Yes, sir, right there on the Creek.
Q How long after you got back was it when Charlotte and Jack got back? A It wasn't but a few days, they was on behind us, and come in a short time after we moved in there.

Q Did they settle in the same neighborhood where you did?
A Yes, sir.
Q Did they live there till Charlotte died? A Yes, sir, right there.
Q When was it you got back? A We got back in the first part of April, of '66.
Q And they came a few days afterwards? A Yes, sir, short time after.
Q And Charlotte lived there until she died? A Yes, sir, lived right there and died there.
Q Did she live with Jack until she died? A Yes, sir.

Examined by Cherokee Representative Davenport:
Q Which came back first to the Cherokee Nation here after the war, Jack Starr and his family, or Abraham Ward and his family? A Jack Starr.
Q How long after that was it until Abraham Ward and his family come? A They come later, it was getting cool.
Q Was it a month or two months or a year? A It was not quite two months, I know, before they pulled in there.
Q You sure it wasn't two months? A No, sir.
Q You are then sure that Jack Starr and his family didn't get back to the Cherokee Nation any more than two months before Abraham Ward and his family came? A No, sir, not that much I know.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the testimony of Sam Webber as given in the above styled case.

(Signed) M. D. Green.

Subscribed and sworn to before me this August 15, 1901.

(Signed) T. B. Needles,

Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do here by certify on my official oath that the foregoing is a true and correct copy of the testimony and proceedings in this case.

Charles T. Stansell.

Subscribed and sworn to before me this 8th day of August, 1902.

Bruce C. Jones
Notary Public.

File with F.D-820.

F.D-443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21,1902.

In the matter of the application of Jack Starr for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Lewis T.Brown, representing Mellette & Smith,for applicant;
W. W. Hastings for Cherokee Nation.

MR. Hastings: The Cherokee Nation asks that the testimony filed by the Cherokee Nation in the case of Ed Wright, D-818, also in the case of Aaron Webber, D-816, also in the case of Elizabeth Meigs, D-391, together with the supplemental testimony of Reuben Sanders in the case of Elizabeth Meigs, be filed with and made a part of the record in this case.

Commission: This testimony will be filed with and made a part of the record in the case of Elijah Starr et al, D-900, as well as in the case of Jack Starr, D-443, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1902.

(Signed) P. G. Reuter,

(SEAL) Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above is a true and correct copy of the proceedings in this case.

Mabel E. Maxwell.

Subscribed and sworn to before me this 19th day of August, 1902.

Ina E. Jones
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. D. Lawson, the attorney for the applicant in this case, that testimony would be introduced, by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represent by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Tell what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I knew him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I knew in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far S on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the Military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there? A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near K yden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

----oooOOOooo----

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

BEST AVAILABLE COPY

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs (Ex. June 7th. Statement filed
Cherokee Nation. on the 26 of June.
1st July set, 1st Aug.
set for trial.
Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.
The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.
Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Registry of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

An a citizen under the treaty of 1866. I went north to the state of Kansas in '66. I returned in August - 31st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reuben Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of their coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were sore who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me. He could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation,) Bluford Alberty, witness for claimant, called are sworn.

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District

on the 3rd of Sept. 1866. I had occasion some time in the last of October or the first of Nov. or probably it might have been as late as the middle of November, to go to the Virdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most all of hem. Their names were old Sam Webber, Aaron Whitmire and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do no recollect any of the others and cannot identify them. The Whitmires were Johnson and George Whitmire, Aaron Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason Maj. Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chance there was to get provisions over on the ri[illegible] I told him there was none there, but that there was a lot of [illegible] at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others who had remained in Kansas, to build them houses &c. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the other that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. I did not see any of these parties after this time May 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I meet them I do not know whether their families were with them I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. F. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen [illegible] at the close of the war.

She was living with me then and still lives [illegible] Landrum was one of the band above referred to, also [illegible] I learned from our leaders Uncle Mike and Sam Webber [illegible] delegates advised us to settle in a compact body on [illegible] lands. We crossed the Neosho in coming down at [illegible] 1867. The chief ferryman who crossed us was Bill [illegible]

While on Lightning Creek in 1866 I saw Mr. Alberty [illegible] conversation with him, but Sam Webber had in my presence [illegible]

[illegible]

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill, Peroman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brothers were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Man, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all come as I did besides other not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Parliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry, Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
MosesWhitmire.
mark.

Attest
D. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family)
vs) claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as afro-Indian under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living on this

Nation. After the beginning of said war claimant moved to in the vicinity of Fort Scott with his family at which location he remained until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he returned to his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Ponsinet.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Keigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Idó not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans. they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired he road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were none who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4" 1872.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest: Wm. McCracken.
D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do so on unoccupied part of the country.

This was thought best for the colored man so they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for he purpose as they saidat the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 883."

Aaron Whitmire et al) July 16" 1878.
vs)
Cherokee Nation.) John Riley,
sworn as witness for Deft. I live in Coweescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Peter Meigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that Spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Alberty being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley. (page 882)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs) Tahlequah May 16, 1878.
Cherokee Nation.)

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1908.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1908.

Bruce G. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drow the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Not no children then? A No,sir, I haven't.
Q You are certain you came back in 1865? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.
Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
Commissioner: Was it in the sail or summer? A It was along in March when I came back in 1866.
Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the March after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q How did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Was he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May,1901.

C. R. Breckinridge,

.....
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th,1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here? Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A Today.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Ys sir, the name Joe Ross was not used much.
Q When did you first become acquainted wirh old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugeos were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well, which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm,
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoken to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Ernest Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there?
A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you know they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.
BY MR. SMITH:
Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you asked first as to the time when Sam Webber left that country? A When was I asked first.
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q There was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the Creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1866 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course well now do you know, did you see him? A Yes I saw him.
Q When did you see Sam Webber in the fall of 1865? A Oh I don't know he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q Was you acquainted with Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir; I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man. I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken? A Wasn't much difference in the ages; but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1866? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '66.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or now? A No sir, I couldn't say they was.
Q Do you remember Sam Webber Sr., and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not; I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March. I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You won't say that? A No sir.
Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course that date is a long time ago; how I have got those things. I had in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 13 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there, I know it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. MATTHEWS:

Q Now you never missed them up there in 1865 did you? A No sir.
Mr. Smith: I object to that; it is not competent whether he missed them or not.
Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.
Q That is your first recollection of them leaving? A Yes, sir.

Mary A. Hicks, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live 6 miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q Were you living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the state here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was in October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864"? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866" A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Martha, living.
Q She was living?? A Yes, sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw he was sick in she would come and sit up with me.
Q Did you know a sister of Joe's called Barbara? A Yes, sir.
Q Now I would like to have your best recollection Mrs. Hicks as to the time Old Sam Webber moved with his family and children from there? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, of or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walked owned this place at the time these people lived there? A Well I couldn't answer that question.
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes, sir.
Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I know.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one.
A Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides in to the community;
A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.
Q Where did you move from to this place that you live? A Where did I move from.?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '5?.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the right the left, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q Youn don't recognize him there? A Hardly, I wouldn't know; he says he is the man, I used to think he was a very good boy when they lived there, But then he has growed out of my knowledge.
Q You don't know there the old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come till here in July.
Q You don't know when they did come? A Why I think they come some time in the latter part of the winter. But I say I would not be certain what month it was, February or March.
Q You won't be certain it was either February or March? A I say they left, I was there when they left, I was there when they left.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.
Mr Mc Murrin:
Q I was going to ask you if you knew anything about young Sam Webber marrying? A I only said he married, I don't remember it doing.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And have you lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there: one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Amos Webber, did he come back with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wouldn't be positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer of fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in 1866? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '65? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any track of his whereabouts.
Q Now what makes you think it was February or March of '67 that these people left there? A Well I have all reasons to believe that circumstances about it, well the old darkey had a corn patch and the darkey boys trapped on the land that winter.
Q These darkey boys? A The Webber boys.
Q Did what? A Trapped for game that winter on the patch of corn where we had left the seed on the corn.
Q That the winter that commences in December and ends in February, December, '66 and February of '67? A It was all in the winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it rains.
Q Well the colder part of it, two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter sometimes? A Some winters we have pretty hard and some winters we don't have so much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would of itself lead you to believe that they didn't leave there in February or March? A Well it was along toward spring they left, that is the best of my knowledge.
Q May be that was in the spring the last, you speak of your people there is that the way you fix the time of that? A No sir, I fix it by memory, of course that is the way the people of this child's death they were there then, the Tassil wars, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A. HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dog, as I know nothing about it? A If I know when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in that case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedman Doubtful case 493, the same being the case of Chiora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-360, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-218, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN C. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I didn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house?
A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, indopendent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I knew of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

B C Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 23d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 175, No. 2082, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kennedy-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page [illegible], No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page [illegible] No. 2748, Elizabeth Meigs, Cooweescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
Q What members of your family came down with you and your husband? A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the roll.

By T. B. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell you what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now.
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house ? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old women like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lonie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court nor Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Tallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2659, Reuben Sanders, Goowoo-ewee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Occhalita was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1 1880? A No sir.
Q Where did they take your name? A I was in Goosoneck Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In '71 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best k judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Moses and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man name Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, her, the Meigs family, Peter Meigs, Elisabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Jerry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did [illegible] A Yes sir.
Q Di[illegible] Yes sir.

By W. W. [illegible]:

Q Dont you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir, none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself ?n August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, When did he go back after his family? A The third time he brought his family
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
with his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August, in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for staing this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford. and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don t know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~xxxx~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth? A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out? A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out? A Yes sir.
Q Well, did you ever know her by any other name than Betsy? A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him? A They called to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a x hime in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.
Appearances:
L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:
By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Supl.-C.F.D.#

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell? A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 18[illegible] that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 18, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the preset time is the Republican but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of thispaper in your office? A We are.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Hackley and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Hackley were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which cut out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower rib on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's last evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door. Eli Hackley, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me if he was there when I came in, and I told him; asked me to get on my horse and follow Hackley and see if he had the flour; did so; rode very fast and overtook Hackley at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a sheep with a rope on his neck; he said no; I rode back toward Hayford's and told him Hackley had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw him at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Hackley had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I knew that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Hackley with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mack y again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury reurned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, was follows:

"Ali Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March [illegible] 1867:

"A Chapter of Horrors.

Murderer of Hayford Deputed and Hung.

Terrible Scene Connected with the Arrest.

The City of [illegible] Community for the past week is [illegible] with horror, which we will, for long days to come, overshadow the heart. [illegible]

A few words, as a preliminary to an account of the escape of Ali Mackey, the black villain, who last winter murdered Dyer Hayford, have since the officers of justice have been on the alert with a view to his recapture, and on Wednesday, the [illegible] Deputy Sheriff [illegible] that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Whelton, Edward Fox - who were on police duty in this city - and Benj. Filer, for the purpose of capturing him.

On arriving at the house, Messrs. Fox and Whelton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Fox, being nearest, received the first shots that were fired. He dropped on the corner of the house, and died in about fifteen minutes. Immediately after this Whelton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Charlie Johnson, Mr. Filer and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the bullets he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the villain was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he begged to exculpate an innocent negro in the murder of Mr. Hayford, by, he said, been sought in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was burned to the ground. The sufferers from their present [illegible] are among the best of our young men. As members of the police force of this city they have performed their duties [illegible] dangerous and brave to a fault, the death of one and the [illegible] to the other creates a spirit of sadness that cannot soon [illegible]. The body of Mr. Coe was brought into the city [illegible] where a funeral sermon by Mr. Irwin was escorted by [illegible] by the members of the Grand Army of the [illegible] the cemetery where it was interred.

Sequel.

[illegible] night a crowd of about fifty men, still [illegible] the excitement growing out of the tragedy of Wednesday [illegible] and avenging possessed themselves of thd keys [illegible] Hanna -- on the brother who harbored the [illegible] charged with furnishing provisions and aiding [illegible] to the ravine near the poorhouse and hung them [illegible] their lifeless bodies were found next morning. So [illegible] some what few in the city except those who participated [illegible] it until the next morning."

Benjamin Files, being first duly sworn, testified [illegible]

[illegible]: What's your name? A Benjamin Files.
[illegible] your postoffice? A Fort Scott.
[illegible] A Kansas, yes, sir.
[illegible] were you living there at the close of the war? A Yes, [illegible]
Were you living there in '66, December? A I have lived [illegible]
[illegible]

[illegible] you know Myer Hayford? A Yes, sir.
[illegible] you known him before December '66. A Yes sir, I [illegible] the neighborhood of two years before that and know [illegible] time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city, just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed [illegible] accused of killing him? A Yes, sir.
Q Who? A Eli Hadley.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon John

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew: I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, somewhere in February, 26th I think it was.
Q [illegible] following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, did he.
Q Did you see the turnkey was he? A Yes, sir.
Q I did. Did you then if there was any searching parties out for this man? A Yes, sir.
Q For how long? I think he was killed on the 26th of March.
Q From then about the 26th of February until the 20th of March people looking for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q [illegible] that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q That the 26th of February up until about the 20th of March? A Yes, sir.
Q [illegible] whether this Mil Hackey was reputed to be a Cherokee [illegible] A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q [illegible] I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Hackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, for he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Miles.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A Mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the [illegible] in the following Cherokee Freedmen cases: No. D-394, D-396, [illegible], D-401, D-402, D-404, D-407, D-775, and in D-781, the same being [illegible] case at bar.

Arthur G. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and reported in full the testimony and proceedings in the above [illegible] that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 14th day of May, 19[illegible].

(Seal) (Signed) Philip G. Hunter.

Notary Public.

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Subscribed and sworn to before me this 23rd day of July, 19[illegible].

Bruce Jones
Notary Public.

COPY.

A.T.M.C.

Cherokee Freedman D 340

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hannah Starr et al., as Cherokee Freedmen.

-:-

O R D E R.

THE RECORDS OF THIS OFFICE SHOW: That on May 17, 1901, Hannah Starr, nee Whitmire, appeared before the Commission to the Five Civilized Tribes at Vinita, Indian Territory, and made application for the enrollment of herself and minor children, Minerva, Theodore and Mabel Starr, and her husband, Charley Starr (the said Charley Starr's rights to Cherokee citizenship will not be considered in this order), as Cherokee freedmen. Thereafter, on March 20, 1902, there was filed with the Commission an affidavit showing the birth on February 16, 1902, of Leone and Leota Starr (twins), children of the said applicant, Hannah Starr. It further appears that all the above named applicants were listed for enrollment on Cherokee Freedman Doubtful card No. 346.

THE EVIDENCE IN THIS CASE SHOWS: That the said Hannah Starr, nee Whitmire, was born in the Cherokee Nation about the year 1872, has continuously resided in said Nation since birth, is identified on the Wallace roll and the Cherokee Census roll of 1893, and is a daughter of (Little) Mose Whitmire, deceased, and Maria Whitmire, both of whom are identified on the authenticated Cherokee tribal roll of 1880, page 196, Cooweescoowee District, Numbers 3177 and 3178, respectively; and that the minor applicants herein are children of the said Hannah Starr, nee Whitmire,

were born since 1890, and have continuously lived with their mother since birth.

The said Maria Whitmire is included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on January 16, 1903, opposite No. 2069.

IT IS THEREFORE ORDERED: That the enlistment for the enrollment of the applicants, Hannah Starr, Minerva Starr, Theodore Starr, Mabel Starr, Leone Starr and Leota Starr, on Cherokee Freedman Doubtful card No. 346, be cancelled, and that said applicants be listed for enrollment on a Cherokee Freedman straight card.

(SIGNED). Tams Bixby
COMMISSIONER.

Dated at Muskogee, Indian Territory,

this AUG 26 1905

Cherokee Freedman D 443 et al.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

a.7.m.

In the matter of the application for the enrollment of Jack Starr et al., as Cherokee Freedmen.

Copy, in part, of certain records in the custody of this office.

-:-:-:-:-:-:-:-:-:-:-:-:-

"The following named persons have been reported by the 'Commission on Citizenship' of 1878-9, as having appeared, or been summoned before the Commission, with the decisions of the Commission upon their respective claims to citizenship. (Copied from Commission's report on file in Executive Office.)"

Coweescoewee District.

Admitted: (among others), Aaron and Lewis Whitmire (Wright).

Rejected: (among others), David Mayes, Ceasar Smith, Samuel Whitmire, Berry Ward, Santa Ann Nivens and Jack Starr.

Delaware District.

Rejected: (among others), Jess Whitmire."

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I hereby certify that the foregoing is a true and correct copy of certain proceedings had before the Commission on Cherokee Citizenship as contained in Docket "A" of said Commission, and that the said docket is in the lawful custody of this office. And it is ordered that a copy of said proceedings be filed with and made a part of the record in the consolidated case of Jack Starr et al., Cherokee Freedman D 443, et al.

Tams A. Beall
Acting Commissioner

Dated at Muskogee, Indian Territory,

this SEP 12 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

a.g.w.

In the matter of the application for the enrollment of Jack Starr et al., as Cherokee Freedmen, consolidating the applications of:

Jack Starr,	Cherokee	Freedman	D	443,
Charley Starr,	"	"	D	346,
Peggie Grimmett	"	"	D	930,
Lizzie Starr	"	"	D	620,
Eddie Starr	"	"	D	904,
Elijah Starr, et al.,	"	"	D	900,
Thella Jones,	"	"	D	1083,
Frances Anderson, et al.,	"	"	D	627,
Claude Steele,	"	"	D	687,
Abbie E. Williams, et al.	"	"	D	689,
Cornelia Martin,	"	"	D	534.

D E C I S I O N .

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Georgia Starr, for, among others, her husband, Jack Starr; by Hannah Starr for, among others, her husband, Charley Starr; The others included in said applications have been otherwise disposed of, and their rights to enrollment as Cherokee freedmen will not be considered in this decision. By Henderson Grimmett for his wife, Peggie Grimmett; by Lizzie Starr for herself; by Eddie Starr for himself; by Elijah Starr for himself and wife, Morning (Mona) Starr, and their minor child, Charlotte Starr; by Lycurgus K. Jones for his minor child, Thella Jones; by Frances Anderson for herself and minor nieces, Roxie, Mary, Willie and Myrtle Steele, and her minor nephew, Joe Steele; by Claude Steele for herself; by Abbie E. Williams for herself and

minor child, Dorothy B. Williams, and minor brothers, Marion and Cretwell Montgomery, and minor sisters, Eva, Ethel, Ruth and Hart Montgomery, thereafter, on June 14, 1902, there was filed with the Commission an affidavit showing the birth, on August 3, 1901, of Major L. Williams, son of the applicant, Abbie E. Williams; and by Cornelia Martin for herself.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants Jack and Charley Starr and Frances Anderson, claim the right to enrollment as Cherokee Freedmen by virtue of their compliance with the provisions of Article IX of the Treaty of 1866, and that all the other applicants herein claim the right to Cherokee freedman citizenship as follows: Peggie Grimmett, Lizzie, Eddie, Elijah and Charlotte Starr and Thella Jones, as descendants of the applicant Jack Starr, and one Charlotte Starr, deceased; Morning (Mona) and Charlotte Starr, Roxie, Mary, Joe, Willie, Myrtle and Claude Steele, as descendants of one Rachel Steele, nee Adair, deceased; Abbie E., Dorothy B. and Major L. Williams, Marion, Eva, Ethel, Cretwell, Ruth and Hart Montgomery, as descendants of Julia Montgomery, nee Adair, deceased; and Cornelia Martin as a descendant of John and Charlotte Curry, both deceased. It is alleged that all of said dead ancestors enumerated in this paragraph, complied with the said treaty stipulations of 1866.

The following points are fully established by the evidence, no attempt having been made to disprove them:

(1) That the applicants Jack and Charley Starr, and Frances Anderson, and the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, were slaves of Cherokee citizens at the commencement of the rebellion, an were taken from the Cherokee Nation during said rebellion. And that all the applicants herein except the three last above named, were born since the commencement of the said rebellion.

(2) That the applicants Peggie Grimmett and Lizzie, Eddie and Elijah Starr, and one Mattie Jones, nee Starr, now deceased, are children of the said applicant, Jack Starr, and Charlotte Starr, deceased.

(3) That the applicants Morning (Mona) Starr and Roxie, Mary, Joe, Willie, Myrtle and Claude Steele, are children of the said Rachel Steele, deceased, and one Harry Steele, a non-citizen of the Cherokee Nation; that the applicants Abbie E. Williams and Marion, Eva, Ethel, Cretwell, Ruth and Hart Montgomery, are children of the said Julia Montgomery, deceased,

and one Henry Montgomery, a non-citizen of the Cherokee Nation; that the applicant, Cornelia Martin, is a daughter of the said John and Charlotte Curry, both deceased; and that the minor applicant, Charlotte Starr, is a child of the said applicants, Elijah and Morning (Mona) Starr; that the applicant Thella Jones, is a child of the said Mattie Jones, nee Starr, deceased, and one Lycurgus K. Jones, a non-citizen of the Cherokee Nation; and that the minor applicants, Dorothy B. and Major L. Williams, are children of the said applicant, Abbie M. Williams and one Jesse D. Williams, a non-citizen of the Cherokee Nation.

(4) That none of the applicants herein possess any rights to enrollment as Cherokee citizens other than as above indicated, and that none of said applicants nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

It is therefore considered that in order to properly adjudicate these applicants' rights to Cherokee freedman citizenship, as of September 1, 1867, the primary questions presented for determination are:

Did Jack and Charley Starr and Frances Anderson, and the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, or either of them, return to the Cherokee Nation after the rebellion, and become domiciled citizens thereof, within the time specified in the decree of the Court of Claims entered on February 3, 1886, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation?

[illegible] Starr, applicant, appeared before the Commission on [illegible] 1, 1902, at Chelsea, Indian Territory, and testified as follows: I am about 66 years old, and my postoffice is Centralia. My first wife was named Charlotte Starr, nee Whitmire. She died about twenty years ago. I have lived in the Cherokee Nation ever since I can recollect. During the war I engaged as teamster with the First Indian Regiment, and went north to Kansas with it. We stayed for a while about twelve miles this side of Fort Scott and then went to the Arkansas-Missouri line, and later returned [illegible] and I was discharged at the close of the rebellion in 1865. The following October I went up in Kansas where

my wife was, and worked "around Fort Scott for a while till I got myself a plug of a team, and came back to the Nation here". I brought my wife and children with me and we reached the Cherokee Nation and located on Big Creek, Cooweescoowee District, "about the first of September or last of August" 1866, and I have since continuously lived on the same place. I returned to this country with Dave Hayes, Sam and Jesse Whitmire, Berry Ward and Caesar Smith. Aaron Wright (Whitmire), Lewis Wright, (Whitmire), Mike Sanders, Sam Webber and Harry Still, with their families, were living there on Big Creek when we arrived. These people, except Harry Still, had houses built, and all had in small patches of corn when we reached the Cherokee Nation. I did not get on the '80 Roll simply because the Cherokees would not put me on.

SAM WEBBER, in behalf of applicant, appeared before the Commission on June 6, 1901, at Chelsea, Indian Territory, and testified as follows: I am 56 years old and my postoffice is Nowata. I know Jack Starr. He came to the Cherokee Nation after the rebellion in the fall of '66, just a few days after we moved and settled there by us, since he has since continuously lived. I don't know why I was not on the '80 roll. I had no corn patch when he arrived, and did not have one till the next year, 1867. I first came to the Cherokee Nation, after the rebellion, in July, '66, and went back and moved down that fall. Uncle Dave Hayes, Santa Ann Lyons and Caesar Smith, came here with Jack Starr, when he moved here in '66. I have seen Jack Starr vote in the Cherokee Nation but he has always been a disputed citizen. Quite a number of disputed citizens have lived in the Big Creek country. I am on the 1880 roll as an adopted citizen.

[illegible] WALLACE, in behalf of applicant, same date and place, testified as follows: I am about 62 years old, my postoffice is Vinita, and I have lived in the Cherokee Nation all my life. I know the applicant Jack Starr, and the thing I know when he returned to the Cherokee Nation after the war. I first saw him when he moved on Big Creek in the fall of '66, and to the best of my knowledge he has ever since lived there. I don't know why he is not on the '80 roll. I know he has always been a disputed citizen. I know he came here in '66 because everybody said it was '66. I don't know what year the Wallace roll was made. I am on the '80 roll but don't know what year that was. I think the Ross-Clifton roll was made in 1896. I have never before testified at any time for Jack Starr when he was trying to get on the roll, but have always known as much about his citizenship as I do now. I proved my rights to Cherokee citizenship before the Chambers Court in 1878. I do not know whether Jack Starr ever went before that Court to prove his citizenship or not.

JACK STARR, applicant, recalled, testified: I went before the Daniels Court for the purpose of proving my rights to citizenship but "they laughed at us and said for us to go back and go to work". I did not go before the Chambers Court.

MOSES WHITMIRE, in behalf of applicants, same date and place, testified as follows: I am about 75 years old. My postoffice is Hayden, and I have lived in the Cherokee Nation all my life. I am on the roll of 1880. Jack Starr, Sam Webber and myself, among others, went before the Daniels Court to prove our rights to Cherokee citizenship, but they would have nothing to do with us. I am related to Joshua Whitmire, but don't know what Court admitted him. I don't remember whether or not Johnson Webber was along when we went before the Daniels Court. I was admitted to citizenship by the Chambers Court. ("Docket of Doubtful cases for Citizenship tried in 1871", which was the Daniels Court, said Docket being in the possession of this office, shows that the Daniels Court decided that Sam Webber and family and Johnson Webber and family, were entitled to Cherokee freedman citizenship).

WANDY STILL, in behalf of applicants, appeared before the Commission on June 24, 1901, at Vinita, Indian Territory, and testified as follows: I am 44 years old, my postoffice is Hayden, and I am a recognized citizen of the Cherokee Nation. I know Jack Starr and his son Charley Starr. I first saw Jack Starr, after the rebellion, on Big Creek, Cherokee Nation, in November, 1866.

CHARLEY STARR, applicant, appeared before the Commission on June 24, 1901, at Vinita, Indian Territory, and testified as follows: I was born in '61 and my postoffice is Wimer, Cooweescoowee District. My father is named Jack Starr, and my mother, now deceased, was named Charlotte Hayes. I was born in the Cherokee Nation and have lived on Big Creek ever since I can recollect. I have never been in Kansas that I know of.

ELIJAH STARR, applicant, appeared before the Commission on June 27, 1901, at Nowata, Indian Territory, and testified as follows: I am 25 years old and my postoffice is Centralia, Cooweescoowee District. My wife is named Morning Starr. She is about 23 years old and is a daughter of Harry and Rachel Steele, deceased. We have lived in the Cherokee Nation all our lives.

LIZZIE STARR, applicant, appeared before the Commission on June 7, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 33 years old, my postoffice is Ruby, Cooweescoowee District. I was born and raised in the Cherokee Nation.

LEWIS WHITMIRE, in behalf of this applicant, same date and place, testified that he had known her since birth, and that she had lived in the Cherokee Nation all her life.

SAM WEBBER, in behalf of this applicant, same date and place, corroborated Lewis Whitmire's testimony, and further testified that her father and mother, Jack and Charlotte Starr, left the Cherokee Nation during the rebellion and returned thereto a few days behind him, and that he (Sam Webber) " got back in the first part of April '66". Also that Jack Starr on his return to the Cherokee Nation preceded Abraham Ward "not quite two months". (In C. W. D. 607 - now R 283- the Commission to the Five Civilized Tribes found that the said Abraham Ward did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, the evidence in said case indicating that he was living in Kansas as late as the fall of 1869, and its said decision was duly affirmed by the Department).

EDDIE STARR, applicant, appeared before the Commission on June 27, 1901, at Nowata Indian Territory, and testified as follows: I am 29 years old and my postoffice is Centralia, Cooweescoowee District. I was born on Big Creek", and have lived in the Cherokee Nation all my life.

HENDERSON GRIMMETT, in behalf of applicant, Peggie Grimmett, appeared before the Commission on June 28, 1901, at Nowata, Indian Territory, and testified as follows: I am 37 years old, and my postoffice is Ruby, Cooweescoowee District. I apply for the enrollment of my wife, Peggie Grimmett, who is about 35 years old. I have known my wife since she was a small girl, and so far as I know she has lived in the Cherokee Nation all her life.

LYCURGUS K. JONES, in behalf of the applicant Thella Jones , appeared before the Commission on October 18, 1901, at Vinita, Indian Territory, and testified as follows: I am about 35 years old, my postoffice is Centralia, Cooweescoowee District. I apply for the enrollment of my daughter, Thella Jones, aged ten years. Her mother's name was Mattie Jones, and, if living, she would be about 32 years old.

FRANCES ANDERSON, applicant, appeared before the Commission on June 7, 1901, at Chelsea, Indian Territory, and testified as follows: I am 56 years old and my postoffice is Chelsea, Cooweescoowee District. The children included in my application are those of my deceased sister. We returned from Kansas to the Cherokee Nation, after the rebellion "along about September or October 1866", and since our return I have made my home in the Cherokee Nation. Since my return in '66 I have been out "to Oklahoma nursing, and then I went to Colorado on some business, and then I went to Eureka Springs (Arkansas) for the benefit of the waters". I have also been back to Kansas. My father was named Joe Curry, he died when I was small. My mother was named

Polly Adair, she has been dead a long time. My first husband was named Carl Landrum, we were married in Kansas in 1865, and he is now dead. Rachel Steele, the mother of the children for whom I apply, was my half-sister, we had the same mother. Her father was named Martin Adair. He has been dead a long time. My step-father and mother, Martin and Polly Adair, and my half-sisters, Rachel, Julia and Nancy Adair, and myself, composed a crowd that returned from Kansas to the Cherokee Nation in 1866. Upon our return we first went to Cabin Creek, I do not know what part, but think it was near Rock Creek. Uncle Dave French was camped near us, and the day we arrived or the next day, we met Mr. Sam Webber not far from where the old military road crosses Cabin Creek. I think he was then located in the Cherokee Nation, and was on his way back north. He went from Rock Creek to Grand River, near the mouth of Spavinaw, and stayed there quite a while.

DAVID FRENCH, in behalf of applicants, Frances Anderson et al., same date and place, testified as follows: I am 72 years old, my postoffice is Lenapah. I moved from Tennessee to the Cherokee Nation in the spring of '59, and have continuously lived in the Cherokee Nation since the war closed. I know the applicant, Frances Anderson, also knew her stepfather and mother, Martin and Polly Adair, and sisters, Julia, Nancy and Rachel Adair. Julia married a Montgomery; Rachel married a Steele, and Nancy is now named Tipps. I first saw this family in the Cherokee Nation after the rebellion, "late in the fall of '66". I and my brother were on our way from a point on Pryor Creek to Neosho Falls, Kan as, after our people, and met them on the millitary road near where it crosses Cabin Creek. Frances Anderson's husband was also a member of this party. I was not located in the Cherokee Nation at that time.

SAM WEBBER, in behalf of the applicants, Frances Anderson et al., same date and place, testified as follows: I am about 58 years old, my postoffice is Nowata. I was born in the Cherokee Nation, and have continuously lived here since '66. I know the applicant, Frances Anderson, also knew her stepfather and mother, Martin and Polly Adair, and her sisters, Julia, Nancy and Rachel Adair. I saw these people on the military road near Cabin Creek, along late in the summer or early part of the fall of '66, as we were going to Kansas after our families. We had started on this trip to Kansas from a point on Big Creek in the neighborhood of where I now resile. The neighborhood of which I speak is about fifteen or twenty miles a little west of north of here (Chelsea). We met this party where the military road from Fort Gibson to Fort Scott crosses Cabin Creek, about fifteen or twenty miles northeast (southeast) from here, and about thirty-five miles southeast from the point we started from on Big Creek. The military road run due east from where we lived on Big Creek, but we knew no other way to get to it , and then on to Kansas, than the way I have described. In coming to this country we had made a trail from the military road to where we located on Big Creek,

and upon our return to Kansas we followed the trail back to the Big Coal.

FRANCES ANDERSON, applicant, appeared before the Commission on September 23, 1902, at Vinita, Indian Territory, and testified as follows: I am about 58 years old and my postoffice is Chelsea. John Adair (or Curry) and Uncle Lew Martin and others that I cannot now remember, were along when we returned to the Cherokee Nation in 1866. "I know Uncle Dave French, but they was ahead of us a day or two, and Uncle Sam Webber, and really if I was just to try I couldn't tell you all of them." We first came to Rock Creek, and found Uncle Dave French living there and I think the Lynch's also lived in that neighborhood, but not right on Rock Creek. I had a brother named John Curry, he died at Wichita, Kansas, but I do not know what year. I don't know what year this is, and don't know what year the Kern-Clifton roll was made, I only know the years when I am told them. My mother, Polly Adair, died and was buried in the bottom, close to Grand River, near the mouth of Spavinaw. I don't know on whose place it is now, but think it belonged to the Cherokee Nation at that time. My father died at the same place, and the both died of the smallpox. I don't know what year they died, nor how long after the war it was. I don't know a young man by the name of Harry E. Kelly, and never saw him at Ottumwa, Kansas. My father and mother never lived on the Kelly farm in Kansas, and my mother is not buried at Ottumwa, Kansas. Uncle Sandy Bean, Tobe Bean and Arthur Bean lived in our neighborhood when my father and mother died, and if given time I can bring witnesses to prove that they died and are buried as I have testified. I never was in, saw, nor heard tell of Ottumwa, Kansas, in my life. We did come through Burlington, Kansas, on our way from Fort Scott to the Cherokee Nation. (Burlington, Kansas, is twenty-five miles north and fifty-five miles west- due northwest- from Fort Scott, Kansas. The point in the Cherokee Nation where this applicant claims to have located is twenty-two miles west and ninety-seven miles south from Fort Scott, Kansas, and in 1866 the military road between Fort Scott and Fort Gibson, Indian Territory, ran due south from Fort Scott to the Kansas-Indian Territory line, and then in a southwesterly direction to the immediate vicinity in which said applicant claims to have lived after her return in 1866). The winter of '66 we lived on Grand River, near the mouth of Spavinaw. Uncle Sandy Bean, Al and Crap Lynch were our neighbors the first winter we were here. We lived about a quarter of a mile from Uncle Sandy Bean, and after my mother's death I lived right in the house with Uncle Sandy. My sister Rachel got acquainted with Harry Steele on Grand River, in the Nation. He came down there and took her away and later they returned. They afterwards built a house on Big Creek. I am Cherokee citizens in that part

of the country once in a while, but do not know the names of any that lived near our place. I have been living at Chelsea about twenty years. I was married the first time at Washington Adair's, that was before the war. My husband, Carl Landrum came back with me after the rebellion and later died at Ottumwa, Kansas, not a great while after the war. All my mother's children except me, lived with her after our return to the Cherokee Nation, until she died. My sister Rachel's oldest child, Fannie, must be about 25 years old now. (The records of this office fail to show that application has ever been made for the enrollment of Fannie). My mother and father died when every body was having the smallpox (about 1882 or 1883). Rachel was not married when our mother died. My mother and father did not die, nor were they buried at Ottumwa, Kansas. I do not know whose place my mother is buried on; she is not buried in a grave-yard. "Q. According to the schedule of the ages of these three children, Roxie was born in 1882, during the year of the smallpox, and Rachel Steele, her mother, must have had three children prior to that time, but you say that her mother died down here in the Cherokee Nation, and that Rachel was living with her, and single and unmarried, how do you account for that?--Ans. I don't know, but she was."

MRS. E. N. WALKER, in behalf of Cherokee Nation, appeared before the Commission on April 11, 1902, at Muskogee, Indian Territory, and testified as follows: I will be 77 years old my next birthday, I am a Cherokee by blood and my postoffice is Fort Gibson, Indian Territory. I have known the applicant, Frances Anderson, since she was a baby, also know her mother, Polly. At the commencement of the rebellion Frances belonged to my sister, Dr. Adair's wife, and Polly belonged to my mother. I left the Cherokee Nation in 1862, and returned in 1866, and have been living here ever since. I first saw the applicant, Frances Anderson, "about the year 1880" at the Vinita fair. She inquired about the folks, and said "she had not settled yet", that "she had come from Kansas", and "had not been here very long". "She did not say when she had come in, nor anything, she just said she had not been here very long."

CLAUDE STEELE, applicant, appeared before the Commission on June 11, 1901, at Chelsea, Indian Territory, and testified as follows: I am 21 years old, and my postoffice is Chelsea, I was born on Big Creek, and have lived in the Cherokee Nation since birth. All my brothers and sisters were born on Big Creek.

ARBIE EMMA WILLIAMS: applicant, same date and place, testified as follows: I am 18 years old, and my postoffice is Chelsea, Cooweescoowee District, Cherokee Nation. I have lived in the Cherokee Nation "all my life most nigh, except when I was out at school" at St. Paul, Kansas,--"six months one time, ten months another."

CORNELIA MARTIN, applicant, appeared before the Commission on June 5, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 29 years old, and at present my postoffice is Vinita. My father was named John Curry, or John Adair, and my mother was named Charlotte Vann. My father and mother have been dead about eighteen years. I am a full sister to Mary Harris, Stella Martin and Harrison Curry. I was born on Grand River, so I am told, and lived there till my mother died. I have never been recognized as a citizen of the Cherokee Nation, am on no Cherokee rolls, and have never drawn any money from said Nation.

The following testimony was taken in re application of Mary Harris, et al., for enrollment as Cherokee Freedman, case No. D. 528, and was ordered filed in re application of Cornelia Martin et al., supra.

Mary Harris, applicant (in C.F.D. 528), appeared before the Commission on June 5, 1901, at Chelsea, Indian Territory, and testified as follows: I am about 33 years old, my postoffice is Vinita, and I live in Cooweescoowee District. My father and mother's slave names were John Adair and Charlotte Vann, but I always knew them as John and Charlotte Curry. I was born in the Cherokee Nation, and have lived at Vinita the last twelve years. Prior to that time I lived for a while on Grand River and Panther Creek. I am a sister of Joe and Harrison Curry and Cornelia and Stella Martin. I also have, or had, a sister named Emma Williams "that we don't know of being dead". (Six days later the said Emma Williams applied for enrollment as a Cherokee freedman, before the Commission at Chelsea, Indian Territory, and testified that Chelsea was her postoffice, and that she had lived in the Cherokee Nation since birth). I am the oldest child in our family, and when I can first remember I was living on Grand River, and continuously lived in the Cherokee Nation till about eighteen years ago when "I went to my grandmother's in Kansas, Anderson County, near Garnett." My mother died of smallpox on Grand River about eighteen years ago. From my earliest recollection till I was about seventeen we lived on Grand River, I think. Our nearest neighbors during that time, were Art Williams and Millie Frye. I think a man named Buffington also lived near us, but don't remember of any one living in that vicinity by the name of Watt West. I came to Vinita from Panther Creek, where I had lived a year or two. I moved to Panther Creek from Wichita, Kansas. My husband's name is Nelson Harris. We were married at Kinman, Kansas. My husband has been living in Kansas, but I have not lived there since we were married. My children were all born in the Cherokee Nation, and were brought up by my aunt, Frances Anderson. I do not know that my father and mother did much of anything when we lived on Lynch's Prairie (Grand River). My mother lived with her grandmother, "Granny Charlotte." If my mother's grandmother had any other name I never heard of it.

WILLIE FRYE, in behalf of Mary Harris, same date and place, testified as follows: I am 64 years old, and my postoffice is Vinita. I live on Grand River, and have known the applicant Mary Harris since she was a small girl. I also knew her father and mother, John and Charlotte Curry. They were taken out of the Cherokee Nation during the rebellion, and I first saw them in the Cherokee Nation after the rebellion , about eighteen years ago-- "the year we had the smallpox" (1883). "They just came out on the river to see their grandfather. Charlotte came there to see old man Adams, and they quarantined them in there, and her (Charlotte's) father and mother died with the smallpox and her grandfather and grandmother died, and just left the children there alone; that is all I know about it."

JOHN REESE, in behalf of Mary Harris, same date and place, testified as follows: I am about 59 or 60 years old, I live in Cooweescoowee District and my postoffice is Coffeyville, I knew John Curry, father of Mary Harris. I first met him, during the war, on Wolf Creek, Cherokee Nation, and next saw him on the old John Alberty place on Pryor Creek, when he stayed all night with us, during the summer or fall of 1866. I have never seen him since.

REED MARTIN, in behalf of Mary Harris, same date and place, testified as follows: I am 43 years old, and my postoffice is Spavina . I know the applicant, Mary Harris. I first saw her father just after Christmas in the winter of '66, when "he stayed two or three days at my house, we were living on the John McNair place." He at that time said he was going to Fort Gibson. I never saw him again. I guess I was eight years old in '66.

ROBERT HOWES, in behalf of Cherokee Nation (Mary Harris, case No. D 588), appeared before the Commission on October 29, 1901, at Vinita, Indian Territory, and testified as follows: I am 58 years old and my postoffice is Ottawa, Coffey County, Kansas, where I have lived about forty-six years. I was acquainted, in Kansas, with John and Charlotte Curry. They had five children, named Mary, Joe, Neely, Teola and Harrison Elder Curry. I first became acquainted with this family in 1868, and at that time "they lived in the southwest corner of the town of Ottawa, right adjoining my place", where they continued to live about two years, when they moved over on Harrison Kelly's place, and lived there till 1873, and then "moved to a homestead they taken on the prairie". This family "lived there from '68 to '84. Mrs Curry died in the fall of '84, there, and then John and the children were around there a year or two longer, I don't know how long, I can't say positive, but Mrs. Curry died in November , '84. I was at the burying, and then I saw since then on the gravestone it was in '84. I have been to her grave and saw it there before I started ."

I saw this family as often as once a week from the time they came there till they went away. Mary was the oldest child in the family. She was born at Ottumwa in the fall of '66, and all the other children were born at or near there.

HARRY X. KELLY, in behalf of Cherokee Nation (Mary Harris case No. D 528), appeared before the Commission on May 16, 1902, at Muskogee, Indian Territory , and testified as follows: I have been living at Fort Smith, Arkansas, fifteen years. "I was born at Ottumwa, Kansas, and lived there till I was about eighteen years old". I knew a colored man in Kansas named John Curry (Frances Anderson's brother) also knew his wife, Charlotte. I remember them as early as 1868, I think as early as '66. I can not quite fix the year they first came on my father's farm to live, but I have a distinct recollection of their being there in 1868, when I left on a trip to Ohio, and was driven to the railroad station , fifty miles away, by the old Martin Bolin, sometimes called Martin Adair, who was the husband of John Curry's (and Frances Anderson's) mother, Polly Adair. Martin and Polly Adair also lived on our place. John Curry lived on our place from 1866 to 1872 or '73, when he homesteaded a piece of land about two miles from our house, to which he moved, and where he lived till his wife, Charlotte, died in '84. John Curry remained around there for a year or two after his wife's death, and then disappeared, and I have since heard that he was dead. John and Charlotte Curry had some children named "Mary (Harris) and Teenie and Joe and Harrison and another one, I can't recollect the name".
I don't know where Mary was born, but all the others were born in Kansas. "The first recollection I have of Martin and Polly (Bolin or Adair) and their family, was moving them out of the bottom, time of the flood in '66; they were clearing land for my father and the overflow came, and he brought them up to the house, out of the flood". Polly Adair was the mother of John Curry and had other children, one named Frances (Anderson), "who used to come there occasionally, and one named Nancy (now Tipps) and Nathan, (deceased), and Julia (Montgomery, deceased), and Rachel (Steele, deceased)." Rachel married a darkey named Harry Steele, I do not know who Frances married. I have heard who Julia married, but cannot recollect the name now. Martin and Polly lived around there till Polly died, sometime between '69 and '71. "I remember them being there when I came home from Ohio in the fall of '68, and she died before I went to Ohio to school in the fall of '71." Martin Adair went off for a time after his wife's death, but returned and died, and was buried on our farm in 1874. I do not know where Frances lived during the time I testify of " She just came to visit, these Curry's lived right in our yard, or right close to it, and she came there on visits to her brother and her half-sisters, who worked in our house". I was about six and one-half years old when I went to Ohio in 1868. I left Kansas in 1887. My father was named Harrison Kelly. After their marriage Rachel and Harry Steele "lived on our place, there right by our house, worked for us". They had several children born there, but I

do not recollect their names now. Rachel continuously lived there till her mother's death , but after that I don't remember her till she came back there about 1875, married to Harry Steele, " and then lived there by our house for some five years after that."

. . . . . .

ROBERT BOWEN, in behalf of Cherokee Nation, appeared before the Commission on April 6, 1905, at Muskogee, Indian Territory, and testified as follows: I am 64 years old, and my postoffice is Burlington, Kansas. I at one time knew a colored man named John Curry, also knew his wife, Charlotte. I know the applicant, Cornelia Martin, as Cornelia Curry. I first became acquainted with John Curry in '67, I think it was in August. "He shot a man at Leroy (Kansas) in '65, and he was under arrest, and I met them in the road with him in August, '67". That was at Ottumwa, Kansas. The next October the Curry family moved across the road from me and lived there from '67 till '72, when John Curry having homesteaded a piece of land about two miles north of Ottumwa, they moved out there and lived till about '85. Charlotte died there and was buried in the graveyard at Ottumwa. I know this because I had her buried, and if it is testified that she died and was buried on Grand River, Cherokee Nation, it is a mistake. I saw John Curry often from '67 to '75. "I don't think there was a week I did not see him. We worked together a good deal and I know that he was never away as long as a week at a time." I knew John Curry's sister Rachel. "Her name was Rachel Steele, she came there in about '66. Martin Bolin was her father." I knew Martin Bolin's wife. Martin Bolin and wife continuously lived in that vicinity from '66 to '80, when Mrs. Bolin and one of the boys died, and then the old man came to Parsons and got the smallpox and came back and died. I attended the funeral of Mrs. Bolin and her son, they were both buried in the cemetery, on the same day, Sunday. I knew John Curry's children, they were named Mary, Cornelia, Joseph, Harrison, Elworth and Christine. They were all born at Ottumwa, Kansas, and attended the schools there. It was reported up there that John Curry died at Wichita, Kansas. I knew Rachel's husband, Harry Steele. "They were said to have been married at Burlington. The last time I was there they had four children. They lived south of Ottumwa and then north of Ottumwa". I think she (Rachel) left there about '80.

ISAAC HOOVER, in behalf of Cherokee Nation, same date and place, testified as follows: I will be 39 years old this coming May, my postoffice is Hartford, Kansas, and I have lived within three miles of Ottumwa, Kansas, all my life. I knew a colored man there by the name of John Curry, also knew his wife, Charlotte. I think they had six children, named Eb, Mary, Cornelia, Joe, Christine and Elworth. I can first remember this family when

I was about eight or nine years old, and continued to know them till about '85 or '86. Charlotte Curry died there and was buried just two miles south of us. I was at the funeral and burying. I knew this family well. Our houses were within sight and I saw them nearly every day. The children attended the district school. I knew John Curry's half sister, Rachel, she married Harry Steele, and "they lived a mile and a half west of us for a number of years, and then they lived east of us."

J. M. KEYS, in behalf of Cherokee Nation, same date and place, testified as follows: I am 62 years old, and my postoffice is Pryor Creek. I represent the Cherokee Nation in the capacity of marshall in summoning witnesses. In the discharge of my duties I had occasion to visit a cemetery near Ottumwa, Kansas, to search for the grave of Charlotte Curry. In the Bowman cemetery, near Ottumwa, Kansas, I found a grave with the following inscription: "Charlotte, wife of John Curry. Born December 15, 1844, Died November 15, 1884."

C A S E C L O S E D .

The applicant Cornelia Martin, cannot be identified on any Cherokee roll, and, excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any rolls of the Cherokee Nation, in the possession of this office.

The evidence in this case indicates that immediately after the close of the rebellion, and prior to the making of the treaty of 1866, the applicant, Jack Starr, was temporarily present in the Cherokee Nation. Under the ruling of the Department in the cases of Spencer Bell (I.T.D. 6176-03), Thomas Mayfield et al. (I. .D. 6968-04), and Martha Gales (I.T. D. 1850-04) such temporary presence would not be sufficient to satisfy the provisions of Article IX of the treaty of 1866, relative to the establishment of a residence in the Cherokee Nation within the time stipulated in said treaty. Hence, it must be shown that he returned from Kansas to the Cherokee Nation and established his residence therein prior to February 11, 1867.

In re return from Kansas of Jack Starr and family: The applicant, Jack Starr, testifies that after the rebellion he returned from Kansas to the Cherokee Nation in company with Dave Hayes, Sam and Jesse Whitmire, Berry Ward, and Caesar Smith; and that they found Aaron Wright (Whitmire), Lewis Wright (Whitmire), Mike Sanders, Sam Webber and Harry Still, living , with their families, on Big Creek. All of whom, except Harry Still, had

houses built and had in small patches of corn. Sam Webber testifies that the applicant, with his family, arrived on Big Creek in the fall of '66, a few days behind him, and that Dave Mayes, Santa Ann Nivens and Caesar Smith accompanied them.

In connection with this testimony of Jack Starr and Sam Webber, attention is invited to a certified copy , filed herewith, of certain proceedings had before the Commission on Cherokee Citizenship in 1878-9, which held that the said Aaron and Lewis Whitmire were entitled to Cherokee citizenship, indicating that they had complied with the treaty provisions of 1866, and that the said Dave Mayes, Sam and Jesse Whitmire, Berry Ward, Caesar Smith, Santa Ann Nivens and Jack Starr were not entitled to Cherokee citizenship, thereby indicating that they did not comply with said treaty provisions of 1866.

Intervenor witness Harry Still: This witness was admitted to Cherokee citizenship by the Daniels Court in 1871, and for that reason his application for enrollment as a Cherokee freedman has been granted. The Commission to the Five Civilized Tribes, however, found that the said Harry Still did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and in Departmental letter (I.T.D. 7658-04), its findings of facts were admitted by the Department to be correct. His mother, Mariah Hayden, who returned at the same time, was denied enrollment by the Commission, said decision being approved by the Department.

If, as the applicant, Jack Starr, testifies, Aaron and Lewis Whitmire, Mike Sanders, Sam Webber and Harry Still, were living on Big Creek, with their families, and had erected houses and put in crops, when he, with his family, returned to the Cherokee Nation after the rebellion, they did not arrive in said Nation till subsequent to March, 1867,-- the date found by the Chambers Court, and by the Commission to the Five Civilized Tribes, in numerous cases, as the one when the Webber-Whitmire-Sanders colony of freedmen, with their families, landed in the Cherokee Nation after the rebellion.

In C. F. D. 471, now R 226, the Commission to the Five Civilized Tribes, found in its decision rendered on July 10, 1903, that the said "Berry Ward, now deceased", did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and on January 4, 1904, (Departmental letter I. T. D. 8978-03), its finding was affirmed by the Departmen

In C. F. D. 602, the said Commission found, in its decision rendered on March 5, 1904, that the said "Santa Ann Nivens", did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. W. D. 626, the said Commission found, in its decision rendered on June 23, 1905, that one Joseph Smith, son of the said "Caesar Smith", now deceased, who, the evidence shows, returned with his father, did not return to the Cherokee Nation after the rebellion within the time specified in said Whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. W. D. 981, the said Commission found in its decision rendered on April 20, 1905, that one David Mayes, son of the said "Dave Mayes", now deceased, who, the evidence shows, returned with his said father, did not return to the Cherokee Nation after the rebellion within the time specified in said Whitmire decree, and the proceedings in said case were duly forwarded to the Department, where they are now pending.

In C. F. D. 796, now 1379, said Commission, in its decision rendered on January 2, 1904, found that the said "Samuel Whitmire" returned to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on June 27, 1904 (I.T.D. 5038-04), its finding was affirmed by the Department. In this case Samuel Whitmire was granted enrollment on the testimony of Sam Webber, who testified that Samuel Whitmire returned with them in the fall of 1866--- testimony absolutely false, as can be shown by evidence practically conclusive, subsequently obtained and now in the possession of this office.

The testimony in C. F. R. 213, 214 and 215, shows that the said "Jesse Whitmire " (also known as Riley), is living, but the records of this office fail to show that application has been made for his enrollment as a Cherokee citizen. Sim and Samuel Whitmire, Cases Nos. R 214 and R 15, respectively, sons of the said Jesse Whitmire, born since 1866, were denied enrollment as Cherokee freedmen, by the Commission to the Five Civilized Tribes in its decision rendered on July 10, 1903, and on September 30, 1903 (I.T.D. 6130-03), said decision was affirmed by the Department. The status, however, of the said Jesse Whitmire, seems not to have been considered in the above mentioned decision.

In re return of Frances Anderson to the Cherokee Nation after the rebellion: In connection with Sam Webber's testimony relative to the return of this applicant, attention is invited to a rough map and notes thereon, filed with the record in this case.

Frances Anderson insists that Sandy Bean, now deceased, was one of their nearest neighbors when they located on Grand River upon their return to the Cherokee Nation in the fall of 1866. The Daniels Court denied Sandy Bean the right to Cherokee citizenship, on the ground that he returned too late, and he was rejected by the "Commission on (Cherokee Citizenship" of 1878- . In C. F. D. 215, now 1421, Joe Bean, age 55, (May, 1901), son of the said Sandy Bean, testified that after the rebellion he brought his father from Kansas to the Cherokee Nation in the fall of 1867. In C. F. D. 200 (Thomas Mayfield et al.), Walter A . West testified that, among others, Thomas Mayfield and "Sandy Bean", with

their families, returned to the Cherokee Nation in "February 1869." It was found by said Commission that the said Thomas Mayfield did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and its finding was approved by the Department.

Frances Anderson further testifies that her stepfather and mother, Martin and Polly Adair, (also known as Bolin), died of the smallpox, in the Cherokee Nation, about 1863, and are buried near the mouth of Spavinaw on Grand River. This is contradicted by testimony practically conclusive, of several witnesses from Kansas, introduced by the Cherokee Nation; and the testimony of Millie Dry, witness for Mary Harris, indicates that it was Charlotte Curry's father and mother and grandfather and grandmother who died and were buried at the time and place testified to by the applicant. On her first appearance before the Commission this applicant testifies that as she was coming to the Cherokee Nation in 1866, she met Dave French and Sam Webber on their way back to Kansas. On her second appearance before the Commission she testified that she followed the said Dave French and Sam Webber to the Cherokee Nation, arriving a few days behind them. She also testifies that Lew Martin was a member of the company returning with her in 1866.

In C. F. D. 289, the Commission to the Five Civilized Tribes, in its decision rendered on May 13, 1905, found that the said Lewis Martin did not return to the Cherokee Nation after the rebellion wit in the time specified in the Whitmire decree, and the proceedings in this case were duly forwarded to the Department, where they are now pending.

The little weight to be given the testimony of Sam Webber has been commented on by this office in numerous cases, and as to the witness Dave French, attention is invited to the cases of Wash Nave , C. F. D. 815, and Frank Whitmire, C. F. D 956, to show that his testimony is of little, if any value.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the said Jack Starr, Charley Starr, Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, Frances Anderson, nor John and Charlotte Curry, both deceased, became domiciled citizens of the Cherokee Nation within the time specified in the Whitmire decree; and that all the applicants herein except the said Jack and Charley Starr and Frances Anderson, were born since the commencement of the rebellion, are lineal descendants of the said applicants, Jack and Charley Starr, and of the said Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, and possess no rights to enrollment as Cherokee Freedmen other than as such descendants.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr, Morning (Mona) Starr, Charlotte Starr, Thella Jones, Frances Anderson, Roxie Steele, Mary Steele, Joe Steele, Willie Steele, Myrtle Steele and Claude Steele, Abbie R. Williams, Dorothy B. Williams, and Major L. Williams, Marion Montgomery, Eva Montgomery, Ethel Montgomery, Cretwell Montgomery, Ruth Montgomery, and Hart Montgomery and Cornelia Martin, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

Tams Bixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 30 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Charles Starr,
Wimer, I. T.
Cherokee F-D-346.
Register.

COPY.

Cherokee Freedmen
D 346

Muskogee, Indian Territory, August 30, 1905

Louis T. Brown,

Attorney for Hannah Starr et al.

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes, dated August 26, 1905, transferring the names of Hannah, Minerva, Theodore, Mabel, Leone and Leota Starr, from a Cherokee Freedman Doubtful card to a Cherokee Freedman straight card.

Respectfully,

SIGN.

Tams Bixby.

Commissioner

Incl. B-70
L.M.B.

LMB
Cherokee Freedman
D 346

COPY.

Muskogee, Indian Territory, August 30, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of an order of the Commissioner to the Five Civilized Tribes dated August 26, 1905, transferring the names of Hannah, Minerva, Theodore, Mabel, Leone and Leota Starr, from a Cherokee Freedman Doubtful card to a Cherokee Freedman straight card.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner

Incl. B 71
LMB

Muskogee, Indian Territory, September 30, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated applications of Jack Starr, et al., for enrollment as Cherokee Freedmen, including the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1905, rejecting the applications of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr, Morning (Mona) Starr, Charlotte Starr, Thella Jones, Frances Anderson, Roxy Steele, Mary Steele, Joe Steele, Willie Steele, Myrtle Steele, Claude Steele, Abbie L. Williams, Dorothy B. Williams, Marion Montgomery, Eva Montgomery, Ethel Montgomery, Cretwell Montgomery Ruth Montgomery, Hart Montgomery, Major L. Williams and Cornelia Martin, for enrollment as such.

In connection with the decision of this office in the consolidated case herewith transmitted, the Department's

attention is invited to the consolidated case of Mary Harris, et al., including the cases of Mary Harris, et al., Cherokee Freedman 1233, formerly Cherokee Freedman D 528, Joseph Curry, Cherokee Freedman 1234, formerly Cherokee Freedman D 531, Ostella Martin, et al., Cherokee Freedman 1235, formerly Cherokee Freedman D 532, and Harrison Curry, Cherokee Freedman 1236, formerly Cherokee Freedman D 533, wherein it was found by the Commission to the Five Civilized Tribes, in its decision rendered on July 10, 1903, that Mary Harris, Irene Harris, Olive Harris, Rheta Harris, Joseph Curry, Ostella Martin, Ira Martin, Cecil Martin, Roy Martin, Myrrh E. Martin, and Harrison Curry, all of whom neither claimed nor possessed any rights to Cherokee citizenship other than as descendants of John and Charlotte Curry, both deceased, were entitled to enrollment as Cherokee freedmen, said finding being concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on November 12, 1903 (Departmental letter I.T.D. 7616-03). Thereafter the names of the eleven last above named applicants were placed upon the Cherokee Freedman schedule forwarded to the Department on November 2, 1904, and they are now included in a partial roll of Cherokee Freedmen approved by the Secretary of the Interior on November 16, 1904, opposite Nos. 3439 to 3449, inclusive.

It will be noted that the rights to Cherokee freedman citizenship of the applicants included in the consolidated case of Mary Harris, et al., supra., are identical with those of the applicant, Cornelia Martin, case NO. D 534, said case being included in the consolidated case of Jack Starr, et al., transmitted herewith, all said applicants claiming as descendants of John and Charlotte Curry, both deceased, and who, it is alleged, complied with the provisions of Article IX of the Treaty of 1866.

It is respectfully submitted that the evidence in the consolidated case of Jack Starr, et al., transmitted herewith, shows that neither the said John Curry, deceased, nor the said Charlotte Curry deceased, returned to the Cherokee Nation after the rebellion, and established a residence therein, consequently, they did not comply with the provisions of Article IX of the treaty of 1866 , and all applicants obtaining rights to Cherokee freedman citizenship only through them, must necessarily be denied.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office in the consolidated case of Jack Starr, et al., which is herewith transmitted, that the consolidated case of Mary Harris,

et al., which includes the case of Mary Harris, et al., Cherokee Freedman 1233, Joseph Curry, Cherokee Freedman 1234, Estella Martin et al., Cherokee Freedman 1235, and Harrison Curry, Cherokee Freedman 1236, be reopened and the decision therein enrolling the applicants included in said consolidated case be reversed.

Respectfully,

Through the Commissioner

Commissioner of Indian Affairs.

Incl. E 101

DCB

Cherokee Freedmen

D-443, et al.

COPY.

Muskogee, Indian Territory, October 4, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1905, rejecting the applications for the enrollment of Jack Starr, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was, on September 30, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Commissioner.

Incl. S-22

Cherokee Freedmen

COPY.

D-346.

Muskogee, Indian Territory, October 4, 1905.

Louis T. Brown,

Attorney for Charles Starr,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1905, rejecting, among others, the application of Charles Starr for enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, was, on September 30, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby,

Commissioner.

Incl. S-23
Register

Cherokee Freedmen

COPY.

D-346.

Muskogee, Indian Territory, October 4, 1905.

Charles Starr,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 30, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, was, on September 30, 1905, transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED

Tams Bixby,

Commissioner.

Incl. S-11
Register

-COPY-

Land.
80831-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

October 17, 1905.

WASHINGTON.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 30, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Georgia Starr for her husband, Jack Starr; by Hannah Starr for her hsuband, Charley Starr; by Henderson Grimmett for his wife, Peggie Grimmett; by Lizzie Starr for herself; by Eddie Starr for himself; by Elijah Starr for himself and wife, Morning Starr(Mona) Starr, and their minor child, Charlotte Starr; by Lycurgus K.Jonesfer his minor child, Thella Jones; by Frances Anderson for herself and minor nieces, Rexie, Mary, Willie, and Myrtle Steele, and her minor Nephew, Joe Steele; by Claude Steele for herself; by Abbie E. Williams for herself and her minor children, Dorothy B. and Major L.Williams and her minor borthers, Marion and Cretwell Montgomery, and minor sisters, Eva, Ethel, Ruth and Hart Montgomery; and by Cornelia Martin for herself.

September 30, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicants, Jack and Charley Starr, and Frances Anderson, and Charlotte Starr, deceased, Rachel Steele, deceased, Julia Montgomery, deceased, and John and Charlotte Curry, both deceased, were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto and establish a residence therein on or before February 11, 1867; that the applicants, Peggie Grimmett and Lizzie, Eddie and Elijah Starr, and one Mattie Jones, born Starr, now deceased, are children of the applicant, Jack Starr and Charlotte Starr, deceased; that the applicants, Morning(Mona) Starr, and Rosie, Mary, Joe, Willie, Myrtle and Claude Steele, are children of Rachel Steele, deceased, and one Harry Steele, a non-citizen of the Cherokee Nation; that the applicants, Abbie E.Williams, and Marion, Eva, Ethel, Cretwell, Ruth and Hart Montgomery are children of Julia Montgomery, deceased, and one Henry Montgomery,a non-citizen of the Cherokee Nation; that the applicant, Cornelia Martin, is a daughter of John and Charlotte Curry, both deceased; and that the minor applicant Charlotte Starr, is a child of the applicants, Elijah and Morning(Mona) Starr; that the applicant, Thella Jones, is a child of Mattie Jones, born Starr, deceased, and one Lucurgus K.Jones, a non-citizen of the Cherokee Nation;

and that the minor applicants, Dorothy B. and Major L.Williams, are children of the applicant, Abbie M.Williams and one Jesse D.Williams, a non-citizen of the Cherokee Nation; that none of the applicants possesses any rights to enrollment as Cherokee citizens other than as above indicated and that none of the applicants, or any ancestor, can be identified on the 1880 authenticated Cherokee roll or the Cherokee census roll of 1896.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M.)W)

COPY

D.C.15055 GR

DEPARTMENT OF THE INTERIOR, LLR

WASHINGTON.

I.T.D.13666-1905. April 25, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 30, 1905, you transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee freedmen of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr, Morning(Mena) Starr, Charlette Starr, Thella Jones, Frances Anderson, Roxie Steele, Mary Steele, Joe Steele, Willie Steele, Myrtle Steele, Claude Steele, Abbie E. Williams, Dorothy B. Williams, Major L. Williams, Marion Montgomery, Eva Montgomery, Ethel Montgomery, Cretwell Montgomery, Ruth Montgomery, Hart Montgomery, and Cornelia Martin, including your decision of same date denying said applications.

October 17, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said applications be approved. A Copy of his letter is inclosed.

The Department has carefully considered the evidence submitted with the record in said case and finds no reason to dis-

turb your decision, which is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Cherokee Freedmen
4D 346

COPY.

Muskogee, Indian Territory, May 5, 1906

Charley Starr,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman , was affirmed by the Secretary of the Interior on April 25, 1906.

Respectfully,

(SIGNED).

Tom Wall

Acting Commissioner

LMB

Cherokee Freedmen
D 443

COPY.

Muskogee, Indian Territory, May 5, 1906

Louis T. Brown,

Attorney for Jack Starr, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated September 30, 1905, rejecting the applications for the enrollment of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr et al., Thella Jones, Frances Anderson et al., Claude Steele, Abbie E. Williams et al., and Cornelia Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 25, 1906.

For your information a copy of Departmental decision referred to is inclosed herewith.

Respectfully,

(SIGNED).

Acting Commissioner

LLB

Incl. B-40

Cherokee Freedmen
D 443 et al.

COPY.

Muskogee, Indian Territory, May 5, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes rejecting the applications for the enrollment of Jack Starr, Charley Starr, Peggie Grimmett, Lizzie Starr, Eddie Starr, Elijah Starr et al., Thella Jones, Frances Anderson et al., Claude Steele, Abbie E. Williams et al., and Cornelia Martin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 25, 1906.

For your information a copy of Departmental decision referred to is inclosed herewith.

Respectfully,

(SIGNED) [illegible]
Acting Commissioner

LMB

Incl. B-39

H. F. D. 346.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 16 1901

ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 8th, 1901.

Received of the Commission to the Five Civilized Tribes, one copy of the original testimony of May 17th, 1901, in the matter of the application of Hannah Starr et al, also one copy of the supplementary testimony of June 24th, 1901 in the case of Hannah Starr et al.

Louis T. Brown.
Agent for Applicant.

Cherokee Freedmen #D346.

Cher Fr R 864

Trans. from Cher Fr D 347

Cher Fr R 864

Mellette & Smith, Attorneys for Applicant:

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 17, 1901.

In the matter of the application of Mary Ann Watson for the enrollment of herself as a Cherokee Freedman, and for the enrollment of her husband, Howard F. Watson, as a Cherokee Freedman by intermarriage; she being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your name? A Mary Ann Watson.
Q How old are you? A I am about 42 or '3, I don't know exactly.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll; anybody besides yourself? A My husband.
Q Just yourself and husband? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I don't know how long, I was born here and partly raised here.
Q And you have been out more or less? A Yes sir.
Q Give me the name of your father? A Joshua Martin.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Harriet Lynch.
Q Is she dead? A Yes sir.
Q How long has your father been dead? A I don't know, sir; he died when we were real small.
Q How long has your mother been dead? A She died when we were real small too.
Q Give me the name of your husband? A Howard F. Watson.
Q How old is he? A He is 44 or '5.
Q Is your husband here? A Yes sir.
Q Does he claim to be a Cherokee Freedman? A No sir.
Q Only by marriage? A Yes sir.
Q Did he marry you under a Cherokee License? A Yes sir.

The applicant presents a license issued by the Clerk of Delaware District, December 19, 1893, authorizing marriage between herself and Howard F. Watson. The certificate shows that they were united in marriage on the same date in accordance with said license by the Judge of the District. This is filed herewith.

Q You didn't send it back to have it recorded? A Yes sir, it was recorded.
Q Have you and your husband lived together ever since you were married? A Yes sir.
Q And all the time in the Cherokee Nation? A Yes sir.
Q Haven't either of you been outside of the Cherokee Nation since you were married? A No sir.
Q Where is your husband from? A I don't know exactly where he was from. He is here and he can speak for himself.
Q Was he married except to you? A No sir.
Q Were you ever married except to him? A No sir.

Howard F. Watson being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Howard F. Watson.
Q You are the husband of this applicant here? A Yes sir.
Q Where did you come from when you came to the Cherokee Nation?
A I came here from Chicago, Illinois.
Q When did you come to the Cherokee Nation? A I came to the Cherokee Nation in '93 to reside.
Q In the year you were married? A Yes sir.
Q Were you ever married except to this woman? A This woman is the only woman I ever married.
Q You never lived with any other woman as husband and wife? A No sir, no woman, but this one.
Q Have you lived continuously in the Cherokee Nation ever since you married this woman? A Since we married according to this

law, this Cherokee law.

Q Did you live out of the Cherokee Nation after you married her according to some other law? A The custom of this country was to marry according to the law, and when I came into the country I married her according to this law. I was informed to do that by the authorities here.

Q Did you marry her more than once? A Yes sir, I married her twice.

When did you first marry her? A In '86 first.

Q Where did you marry her in '86? A In Nebraska

Q Did you and she live together as husband and wife from that time until you married her under Cherokee law? A Yes sir

Q When did you bring her back to the Cherokee Nation? A She came back to the Cherokee Nation herself before I came.

Q After your marriage in '86? A She came back the same year in '86 then or that fall, she came home.

Q And when did you come down? A I didn't come right down with her

Q When did you come down? A I come about the year after that and resided here pretty near a year and made a farm for her and she resided continuously.

Q What did you do after you made that farm? A I was working a great part of the time for a gentleman in Omaha, and then went to Chicago, and then I come from Chicago home ~~xz~~ again.

Q When was it you come back this last time you speak of? A '93.

Commissioner of applicant: You say you were born in the Cherokee Nation? A Yes sir.

Q Where did you go when you first went out of the Cherokee Nation?

A I don't know where they took me the first time.

Q Was that during the war? A Yes sir.

Q Well, when did you first come back to the Cherokee Nation after the war? A They brought me back when I was small.

Q Do you remember the time? A I don't remember but they said it was in '63, but I don't know.

Q Were you a slave in the Cherokee Nation when the war broke out?

A They say I was.

Q To whom are you said to have belonged? A They said I belonged to Lynch.

Q What Lynch? A Joe Lynch, I think.

Q Did you have the same master that your mother had? A I think so. I was small, I don't know.

Q What is your first recollection of going out of the Cherokee Nation after the war? A I was working for an old man; they let me go with some old people that went through here by the name of Buchanan

Q Where did they go? A They went to Kansas.

Q When was that? A I don't know what year it was.

Q How old were you then? A I don't know how old I was; I was old enough to nurse; must have been seven or eight years old, I reckon. I don't know how old I was.

Q Well, tell me about your life since you started out as a nurse for this family and went to Kansas. Where did you go and how long did you stay? A I don't know how long I stayed. I worked for the white people. I had no mother to look after me, or anybody, I worked for one and then another as long as they could make me work for them.

Q In what states? A In Kansas and Nebraska.

Q And you worked there until you married this man? A Yes sir, I was working there when I married him.

Q Did you work in Kansas and Nebraska from the time you went out as nurse until you married this man in '86? A Yes sir, when I was working I did.

Q What were you doing when you weren't working? A I wasn't doing anything.

Q But you were there though? A Yes sir.

Q How long after your marriage to this man in '86 was it before you came back to the Cherokee Nation? A I came back that same spring, I think.

Q The spring following? A Yes sir, I think so.

Q During all this time your husband was up in Nebraska, about Omaha and in Chicago, did you go up to those localities?

A I was here most of the time. Sometimes I would go up there and come back.
Q And then he came back in '93, did he? A Yes sir.
Q And you and he have been living here ever since? A Yes sir.
Q What was your name in 1880? A Mary Martin, I went by my father's name.

The 1880 authenticated roll, and the 1896 census roll and the Kerns-Clifton roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q You are not on the 1880 roll? A No sir, I am not.
Q Are you on the census roll of 1896? A No sir.
Q Did you draw strip money? A No sir, I didn't.
Q Did you ever draw any money from the Cherokee Nation? A I drawed on the Wallace roll.
Q Are you on that Wallace Roll? A Yes sir.
Q What district were you in then? A Cooweescoowee.

The Wallace roll examined and the name of the applicant is found on page 127, No. 2671, Mary Ann Martin, Cooweescoowee District.

Q Have you a brother named James Martin? A Yes sir.
Q What family has he? A He has a wife and six children, I believe.
QWhat is the name of his wife? AClarence is her name.
Edgar Smith, Applicant's Attorney: Have you a home now? A Yes sir, I have one.
Q Where? A It was in Cooweescoowee District; I haven't got it now though.
Q What did you do with it? A Through court some way, they dispossessed us of it.
Q Through what court? A Through the Cherokee Court.
Q Did you have a suit with some one in the Cherokee Court? A Yes sir.
Q Who was it?

The representatives of the Cherokee Nation here protest against the introduction of any oral testimony tending to prove that the Cherokee Courts took jurisdiction over the person of the applicant to try and determine the case in that court for the reason that the records is the best testimony.

The objection is overruled and official evidence of the record will be required if deemed necessary.

Examination continued by Attorney Edgar Smith:
Q Who was it? A A citizen of the Cherokee Nation, Jesse Rowe.
Q In what court did you have the suit? A Claremore Court.
Q And Jesse Rowe won the suit? A I won it there.

The Cherokee representative object to above questions.

Examination continued by Mr. Smith:
Q When did you have this suit? A I don't remember what year it was.
Q Can you state about what year it has been? A I think it has been eight or nine years ago; I just can't remember.
Q How long was the matter pending in court- how long was it in court? A About three years I guess, or four years.
Q Was it ever in any other court except the court at Claremore?
A Supreme Court.
Q Supreme Court of the Cherokee Nation? A Yes sir.
Q Have you ever had any home anywhere except in the Cherokee Nation?
A No sir, never had any other home but this.
Q You say James Martin was your brother? A Yes sir.
Q Had you any other brothers or half ~~szsters~~ brothers? A Half brother, John Lynch.
Q When you were taken back to Kansas as you testified a moment ago, was anybody taken back with you? A My brother, Jim Martin.
Q Who was this old gentleman who took you to Kansas and what was he?
A He was a traveling missionary.

Q He took you and your brother, Jim, both back? A Yes sir.
J. S. Davenport: When was that? A That was when we were small.
Q Don't you remember? A No sir.
Q You don't know how old you were? A No sir.
Q How long did you stay in Kansas tell they brought you back? A I don't know, sir.
Q Did you stay a year or longer? A Longer than a year.
Q Where did you go after you left Kansas? A I was in Kansas I don't know how long.
Q When you left Kansas how old were you? A I don't know exactly how old I was.
Q Were you grown? A I was pretty near grown, I guess.
Q Where did you go when you left Kansas? A I went to Nebraska.
Q How long did you stay in Nebraska? A I don't know how many years I stayed there.
Q Was you grown when you left Nebraska? A I was about grown; I was a young woman.
Q You lived in Nebraska until you and Watson married? A Yes sir.
Q How long did you live there after you married? A I didn't live there long after I was married.
Q Did you live there at all after you and he were married? A A little while after we were married, but I moved back down here.
Q What year did you come back to the Cherokee Nation after you and he were married? A It must have been the same year we were married
Q What year were you married? A It was in '86.
Q When you had lived in Kansas and Nebraska from the time you had been taken away from the Cherokee Nation up until '86, or later? A I was working there.
Q You lived there while you were working? A I was alive while I was working, but my home was [illegible] folks.
Q What folks did you have here? A My brother, he and my uncles were here.
Q You have been here and seen your brother here- did you know your brother was here? A I heard he was here.
Q You hadn't been here to see anything about your folks? A I come down here and don't know what year and seen my folks.
Q And went back to Kansas or Nebraska? A I went back to Nebraska.
Q And you moved here since '86 or later? and been living here ever since that time? A Yes sir.

Now comes the representatives of the Cherokee Nation and protest against the introduction of the certificate purporting to have been issued by the Clerk of Delaware District for the reason that the same was issued in the opinion of the representative of the Cherokee Nation, it was issued without authority of law, as there is no law upon the Statute Books of the Cherokee Nation authorizing the adoption by intermarriage of one adopted citizen with another.

Commissioner Breckinridge:

The applicant applies for the enrollment of herself and husband. She is identified with reasonable certainty on the Wallace roll, but not upon the roll of 1880, or upon the Dennis Clifton roll, or upon the roll of 1896. She claims to have been a Cherokee slave at the beginning of the Civil War and to have been liberated as the result of that war, and to have been brought back to the Cherokee Nation in 1880. For further testimony in this case, reference is made to the case of James Martin, Cherokee Freedman, Card 344, and a copy of it will be filed in this case. It appears that the applicant while still in her childhood, perhaps not over seven or eight, or ten years of age, was taken by a missionary from the Cherokee Nation to the state of Kansas, and that she made her home in the state of Kansas and in the State of Nebraska until the year 1886 when she married. She states that within a year after her marriage in 1886 she came

to the Cherokee Nation and past part of her time in the Cherokee Nation and part of her time with her husband who continued to work in Omaha and Chicago until 1893, when he and she both took up their residence in the Cherokee Nation, and she states that she has lived continuously in the Cherokee Nation since 1893. Her husband testifies that he came to the Cherokee Nation soon after his first marriage to his wife, they having been married first in Nebraska, and then afterwards in the Cherokee Nation, and took steps to provide a home for her. Reference is made in the testimony to a litigation that has been had in the Cherokee Court with reference to a farm owned by the applicant. It is required that official evidence be procured of such litigation.

Q Is James Martin your full brother? A Yes sir.

Under the conditions stated, the applicant will now be listed for enrollment on a doubtful card as a Cherokee Freedman. Her husband is shown to have married her under a Cherokee license in 1893, and it is testified that neither he or she were ever previously married. He claims that he has lived with his wife ever since their marriage in 1893, which was the second ceremony performed between them, and that since that time he has lived continuously in the Cherokee Nation. He will be listed with his wife on a doubtful card; he being classed as a Cherokee Freedman by intermarriage. The Cherokee Representatives present has made protest as set forth in the testimony, against the introduction of a marriage license and certificate relating to marriage between these parties upon the ground stated in said protest, to which reference is made as it appears in the testimony.

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) F. G. ROTHENHEFFER.

Subscribed and sworn to before me this 21st day of May, 1901.

C. R. BRECKINRIDGE,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states: That the above and foregoing is a true and correct copy of the original testimony in the case of Mary Ann Watson, et al., for enrollment as Cherokee Freedman, taken at Vinita, I. T. on May 17, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 13, 1904.

J. H. Campbell
Notary Public.

VB. F.D. 347

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 17 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 17, 1901

Post Office Vinita I.T.

District Delaware

1. Name Howard F. Watson Age 44

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Mary A. Watson Age 42

Owner's name Jos. Lynch Citizenship

Year Wallace Page 127 No. 2671 District Cos

Parents:

Father Joshua Martin - dead Citizenship

Mother Harriett Lynch - dead Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by No. 2 Stenographer E. G. Rothenberger

No. 2 On Wallace roll as Mary Ann Martin
Official of litigation in Cherokee Court to be produced.

N. J. T. 344

Mellette and Smith attys. for applicant.

I E. M. Landrum a [illegible] Judge District hereby certify that on the 19th day of December, 189 3 I joined in **Marriage**, Mr. Harrison Watson, a citizen of the United States, and Miss Mary A. Martin, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand on this the 19th day of December A. D., 189 3

E. M. Landrum
Judge 2d Dist. C. N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
17 1901

ACTING CHAIRMAN

E. 43. 345

Marriage License.

CHEROKEE NATION, I. T.
Delaware District.

To Any Person Legally Authorized to Solemnize Marriage—Greeting:

You are hereby authorized to join in the **Holy Bonds of Matrimony,** *and to celebrate the rites and ceremonies of* **Marriage,** *between Mr.* Howard L. Watson, *a citizen of the United States and Miss* Mary R. Martin; *a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this* **License** *to me, for record, within thirty days from the celebration of such* **Marriage** *with a Certificate of the same appended thereto and signed by you.*

Given under my hand and Seal of office this the 17th *day of* December *A. D. 189*2

J. E. Hannum *Clerk,*
Delaware *District.*

I E. M. Sandusky a [illegible] Indian District hereby certify that on the 19th day of December, 1893, I joined in **Marriage**, Mr. [illegible] Wilson, a citizen of the United States, and Mrs. Mary A. Martin, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand on this the 19th day of December A. D., 1893

E. M. Sandusky
Judge Del. Dist. C. N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
17 1901

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1901
Assistant Clerk.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Howard F. Watson et al for enrollment as Freedmen of the Cherokee Nation, one copy of the orihinal testimony of May 17th, 1901.

Mellette T. Smith
Attorney for Applicants

Cherokee F. #D347.

7D347

JUL 23 1901

To be filed in case of Mary Ann Watson.

S U P P L E M E N T A L T E S T I M O N Y.

F. - D. #344.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 1st, 1901.

In the matter of the enrollment of James Martin as a Cherokee Freedman; the following supplemental testimony is offered on the part of the Cherokee Nation.

APPEARANCES:

Messrs. Mellette & Smith, Attorneys for Applicant
Mr. W. W. Hastings, Cherokee Representative.

James M. Bell, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A James M. Bell.
Q How old are you? A 69 years old.
Q What is your post office? A Needmore.
Q How long have you lived in the Cherokee Nation?
A Since '39 with a little exception.
Q Were you out during the war? A Part of the time, my family I took to Texas.
Q Have you otherwise lived in the Cherokee Nation since 1839?
A Yes, sir.

By Mr. Hastings:

Q Did you know Joe M. Lynch? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q Did you know John Harrison? A Yes, sir, I knew John Harrison.
Q Was he a citizen of the Cherokee Nation? A No, sir, he was a non-citizen.
Q Citizen of the United States? A Yes, sir.
Q Did you know where Harrison was from, what State? A He was from South Carolina, has native ### town I guess was Columbia, that was the place he lived.
Q Did you know a colored woman by the name of Harriet?
A Yes, sir.
Q Who owned her? A John Harrison.
Q I will ask you if you know Jim Martin? A No, sir.
Q You don't know him? A No, sir.
Q I will ask you if you were not one of the Administrators of Joe Lynch's estate? A Yes, sir.
Q Did Harriet belong to Joe Lynch? A No, sir.
Q About what time did Joe Lynch die? A Died August, '61, about the 9th I think.
Q Did you know whether this Jim Martin; whether he had a slave by the name of Jim Martin; whether he was a son of Jim Martin?
A No, sir.
Q Do you mean that you didn't know that he had? A He didn't have.
Q He didn't have one whose mother was named Harriet?
A No, sir.

By Mr. Smith:

Q Mr. Bell, which did you mean, that he didn't have or you don t know whether he had or not? A He didn't have.
Q How do you know? A I was a member of Mr. Lynch's family.
Q How did you come to be a member of Mr. Lynch's family?
A By marriage.

Q Did you know everything he had and everything he didn't have because you married into his family?
Q Yes, sir, I married into his family.
Q Is that the only reason now for knowing what Lynch had because you were a member of his family and lived in the same neighborhood he did? A Yes, sir; I lived in the neighborhood of this man Harrison and I knew what he had.
Q Well did you know what everybody in that neighborhood had?
A No, sir, I didn't know that.
Q How do you know what Harrison had? A I know that he had this woman there and she had two children and that she afterwards had two.
Q Where did Harrison live? A Harrison lived on the place that belonged to Lynch and about a mile and a half west of it.
Q He lived on Lynch's place? A Yes, sir, the place belonged to Lynch he lived on.
Q Did he ever live at Lynch's house and the place that Lynch lived on? A No, sir.
Q Never did? A No, sir.
Q Now did you; did you know but what Harrison sold the woman he brought there to Lynch? A I never heard of it if he did.
Q You won't swear that he didn't just because you never heard of it would you? A No, sir; he kept possession of the woman all the time he was there.
Q Who did? A Harrison; he had possession of her; she was never in the family of Lynch at all.
Q Wasn't she there on the place with Lynch's slaves? A She was in a mile and a half of Lynch's.
Q Didn't she work for him? A No, sir.
Q Didn't she cook for Lynch? A No, sir.
Q Never worked on Lynch's place at all? A No, sir.
Q Never worked with Lynch's slaves? A No, sir; she might have visited there.
Q Well did she? A She might; it is natural to think that she did visit them, but I don't know the times that she did visit them, and that she did visit them at all.
Q What was the connection of this man Lynch and this man Harrison?
A Nothing more than Harrison was raising stock for Lynch.
Q Owed Lynch didn't he? A I never heard of it if he did.
Q Which died first? A Lynch.
Q Lynch died before Harrison? A Yes, sir.
Q What did Harrison have there? A Harrison had this negro woman and these children.
Q What child now when Harrison brought this negro woman there?
A She had two, but I don't recollect their names.
Q Was they boys or girls? A One was a boy, or they both may have been boys, I don't recollect that; they were small.
Q Well then as to Jim Martin, the man we are talking about here, you don't know who he belonged to? A Well, if he was a son of that woman he belonged to Harrison.
Q If he was the son of the woman; why? A Because he claims her as his mother.
Q Claims who? A This woman.
Q Harriet? A Harriet.
Q He didn't necessarily have to belong to Harrison because his mother belonged to Harrison did he? A If he was in his possession and he owned the negro woman, he certainly would have owned her children.
Q He might have sold the boy for all you know?
A He didn't though.
Q How do youknow? A The children were there on the place.
Q Did you ever hear of a child being sold without being delivered?
A It is not common to do so.
Q You are supposed to know definitely; you said that this man Jim Martin belonged to Harrison; what I want toknow is how

you know that he belonged to Harrison? A The woman belonged to Harrison and it is natural to suppose that the boy did; I am certain that this woman belonged to Harrison.
Q Now, tell me why you are certain? A He was in possession of her; her brought her there and claimed her as his own property, and I never heard that she was uncumbered in any way.
Q Would you swear that because he brought this woman there and had her in his possession that the child she had there belonged to him? A If a man had a mare in his possession and said that she was his mare and she had a colt, I would say that the colt belonged to him too.
Q Would you go on the stand and swear it? A Yes, sir.
Q If a man had a mare and she had a colt that you would go on the stand and swear it belonged to him? A I would say that I believe to the best of my knowledge.
Q Oh, you believe; that is about all you know about this that you believe you can state of your own knowledge? A These children were small.
Q Well please answer that question; can you state it of your own knowledge? A I can't say that the child was hers I don't know that.
Q What else did this man Harrison have besides these children and this woman you are talking about? A He had three or four head of horses.
Q What else? A He had in charge some cattle he was raising on the shares for Mr. Lynch.
Q What else? A He had a field and some implements to cultivate it.
Q Now, when Harrison; but he did die didn't he? A No, sir.
Q He is still living? A No, sir; he was killed.
Q He died when he was killed; when was he killed? A He was killed in '62.
Q Now what became of his property who got it? A The federals got it, I guess.
Q You guess? A Yes, sir.
Q You knew everything that was going on in that country?
A I was in the army.
Q What makes you think the federals got it? A I heard it.
Q Didn't Lynch get it? A No, sir, Lynch never got it.
Q None of the Lynchs? A No, sir.
Q You know that? A No, sir.
Q You were in the army? A I know that Geter Lynch was killed at a skirmish about a mile above Harrison.
Q That would not be any indication that Lynchs didn't get it? A Lynch died before, Mrs. Lynch died before, Joe Lynch went to the army with me and Judge Lynch was a prisoner at that time.
Q So the property that Harrison left or at the time he was killed come into the hands of some of the Lynch family?A No, sir, none of them.

By Mr. Hastings:

Q I believe that you stated that you were one of the administrators on the estate of Joe Lynch? A Yes, sir, Geter Lynch, Joe Lynch and myself were the administrators.
Q Young Joe Lynch? A Yes, sir.
Q And you stated that this Harriet and Jim Martin were not part of the effects of Joe Lynch?
(Objected to by Attorney for Applicant.)
Q Were they part of the effects of Joe Lynch? A No, sir, they were not.

Q What relation were you to Joe Lynch by married? A I was his son-in-law.
Q You married his daughter? A Yes, sir.
Q Your wife was one of his heirs, one of the heirs to the estate?
A Yes, sir.
Q Where was Harrison killed? A Harrison was killed in what is called the Six Mile Bottom.
Q After the war come up? A Yes sir, in '62.

By Mr. Smith:

Q That is the only estate you ever administered on?
A No, sir.
Q Did you ever in administering on an estate always get all the property that belonged to? A I do not know.
Q A man does not always get all the property that a man owns and put it in when he goes t administer on it, does he?
A He would that was present.
Q You can state that a man does not always do that, can't you?
A A man may not if it wasn't there.
(Objected to by Attorney for Cherokee Nation.)

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O.Rosson.

Subscribed and sworn to before me this 6th day of June, 1901.
T. B. Needles,
Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that he made the foregoing and that it is a true and correct copy of the original.

E. Rothenberger

Subscribed and sworn to before me this 20th day of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 23 1901

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[illegible]

To be filed in case of Mary Ann Watson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

In the matter of the application of James Martin for enrollment as a Cherokee Freedman.

James Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A James Martin.
Q Who is it you want to have enrolled? A Just myself.
Q How old are you? A I don't know my age exactly.
Q As near as you can? A I guessI am ~~about~~ 42 years or something nearabout that.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Howlong have you lived in the Cherokee Nation? A Nearly all my life.
Q Give me the name of your father? A Joshua Martin.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I don't know exactly, he died not very long after we were taken out of theNation here during the war.
Q Give me the name of your mother? A Harriett.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Well, she has been dead, I think she died before my father died.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll ofCherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined and the applicant not identified thereon.

Q Who were you with at the time the Wallace roll was made out?
A At the time the Wallace roll was made out, I was in prison.
Q Where? A I was in Arkansas prison.
Q At Little Rock? A Yes,sir.
Q Where were you convicted? A Fort Smith.
Q Where were you arrested? A In Vinita.

The Wallace roll examined, and the applicant identified thereon, page 125, No. 2622, Delaware district.

Q What district were you living in then, what did you call your home? A Why I was working for Mr. Patton down on his ranch, that is south here about 18 miles.
Q What district id that in? A (No response.)
Q What district have you always claimed as your home? A I have lives lots in Cooweescoowee district, I have lived and worked over on this side four or five years, maybe longer than that.
Q This ranch you spoke of is in Cooweescoowee district? A Yes, sir, part of,it, and part of it is in Delaware district.
By Edgar Smith, attorney for Applicant: Do you know who attended to your enrollment on the Wallace roll while you were in prison?
A Allen Lynch I think.
Q You spoke of having been convicted of some offense, what was that offense? A Manslaughter is what I was convicted of.
Q Where did the killing occur? A Down here on Rock Creek to Patton's ranch.
Q You were tried in what Court? A United States Court at Fort Smith.
Q What is your earliest recollection with regard to the place where you lived, where did you live as far back as you can remember?
A Why down over here about Goose-neck Bend andover on Big Creek and I worked for old man Riley, John Riley, across from Coodys Bluff on the Verdigris.
Q Are all these places you have named in the Cherokee Nation? A Yes, sir.
Q Have you within your recollection ever lived out of the Cherokee

Nation? A No, sir, not to saylived out, I was in Kansas for a while whenI was small but I come back here.
Q How small were you? A I guess that I was 12 or 13 years old, somwhere along there.
Q You say your father and mother both died? A Yes, sir.
Q You state that your father died during the war; when did your mother die? A Well, right after the war I think, just short while after.
Q Where were you born? A I was born down here on Grand River.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you and brothers and sisters? A I have a sister and a brother; John Lynch is my brother, he is on the 1880 roll.
Q And who is your sister? A Mary Martin, or Watson.
Q Where does she live? A She lives here in Vinita.
Q Where was she born? A Born here on Grand River, Cherokee Nation.
Q Was she taken out the same time you were? A Yes, sir.
Q Was she brought back at the same time? A Yes, sir.
Q Now what is your brother's name? A John Lynch, son of Al Lynch.
Q Do you know whether John Lynch is on the 1880 roll or not? A Yes, sir, I think he is on the 1880 roll.
Q Were were you Jim in 1880? A In 1880, I was either out here working for John Webber or over here on Big Creek, one of these places I worked for Jim Martin out on Big Creek quite a number of years, working for a man by the name of Al Burton on his place.
Q When were you working for Al Burton? A I worked for him in a part of '78 or '79.
Q And where were you in 1880, with reference to being in the Cherokee Nation, were you in it or out of it? A I was in it.
Q Do you know who you were working for in 1880? A I think I was working for John Weaver on Mustang, I am not certain, but I think I was, either there or on Big Creek for Jim Martin.
Q How long did you work for Weaver? A About two years.
Q How long did you work for old man Burton? A Between five or six years, worked for Jim Hall a year or more.
By J. S. Davenport, Cherokee attorney: Who did you belong to beforethe war? A My father belonged to Joe Martin and my mother belonged to the Lynch family.
Q To JoeLynch? A Yes, sir, I suppose so.
Q What was your mother's name? A Harriett.
Q Well now, you don't remember when you came back to the Cherokee Nation after the war, do you? A No, sir, I was small.
Q You don't know any reason why you are not on the roll of 1880? A No more than this: You see we had nobody to look after us and we were orphan children and I wasn't old enough, I didn't have knowledge enoggh to have interest enough to know that being placed on these rolls amounted to anything.
Q Well you were grown in 1880 weren't you? A Yes, sir, I was somewhat, I don't know my age exactly, but I have been going around and working for myself and doing for myself nearly all my life.
Q Where were you in 1896? A I was here.
Q Why were you not on that roll? A Why, I supposed that I was on that roll, I was working for Mr. Frazier in 1896, been working for him nearly seven years, or about that long, and I thought my wife enrolled me.
Q When you can first remember, you were living at what place in the Cherokee Nation? A When I came back I was living over here on Goose Neck.
Q Over on the Verdigris? A Yes, sir.
Q What Cherokee family lived near you there, if any? A I don't really know, but about a year or two after that I worked for John Riley across the Verdigris at Goodys Bluff, I worked about a year for him in '72 and '3.
Q Do you know who brought you back to this country? A Jess Rowe.

Mr. Smith: Is Jess Rowe dead or alive? A He is dead.
Q You were asked about why you are not on the 1880 roll; do you have any recollection of the time when the 1880 roll was being taken? A Well, I think that I do; there was one roll they made, and part of the time I stayed at my aunts, and the first time she was enrolled, that was Mahaley Brown, and I think I was on Big Creek or here at John Weaver's, because I came from near Big Creek over to see uncle Wils that lived over on Grand River, and John Weaver was sick and wanted somebody to attend to his stock and I went to work for him and next for Jim Hall and next for Patton and have been working around in here ever since.
Q Why didn't you enroll on the 1880 roll, or try? A Well, I just didn't know, and I didn't have knowledge to know the interest of it, and then after I found I wasn't on the 1880 roll I spoke to old man Downing, a Cherokee living over on Big Creek, and he told me, he says you are not on that roll Jim, you will have to take two witnesses and go to Tahlequah and be identified and who you belonged to and they will place you on the roll, and says if you will pay my expenses and pay me for going, I will go with one, and I will find someone down there that knows you, I knew your father and know all about you, and I was working on a threshing machine and was making two dollars a day and the amount that I drew was $15.50 and I just didn't have sense enough to take advantage of that or know the importance of being on all these rolls, and just let it go.
Mr. Davenport: You belonged at one time to a man named Harrison before the war? A Not that I know of.
Q Didn't you belong to him at the time of the war? A man by the name of Harrison, who was a United States citizen, and didn't your mother and father, or your mother at least, with whom you stayed at that time, belong to a man named Harrison, who was a white man and not a citizen of the Cherokee Nation? A Well, I don't know, my mother always stayed on Joe Lynch's place on Grand River, that is to my recollection; I was small, but I always thought that, she always told that, and thought my mother belonged to Joe Lynch and uncle Joe Martin down here told me that I belonged to him.
Q The Lynch family you have reference to is the one that Judge Lon Lynch belonged to, the same family? A Yes, sir, I think so.
Q Have you seen him here since you came, or do you know Judge Lynch? A Yes, sir, I saw him here, the man they said was him.
Commissioner: How old did you say you were when you returned from Kansas? A When I came back down here the second time?
Q I mean the first time after the war? A I was small, I reckon about seven or eight, maybe ten years old, I don't know just exactly neither.
Q Who did you come with? A I came with Jess Rowe.
Q Who of your family came with you? A Me and my sister I believe.
Q Give me the name of your sister? A Mary Martin.
Q Did your brother John come with you? A Yes, sir, we were there at his house when my mother died.
Q You and John came together, did you? A Yes, sir, I think so.
Q Is John your full brother? A He is my half brother, same mother but different fathers.
Q Well Mary Watson, is she your full sister? A Yes, sir, she is my full sister.
Q You remember when you came back from Kansas, do you remember the trip? A No, sir, when I first came back I don't remember very much about it.
Q Then you were taken back to Kansas, were you? A Yes, sir, after we came down here a preacher, a missionary, a man by the name of Buchanan, he promised to take me and my sister and raise us and educate us and take care of us, and Al Lynch here consented for him to take us, and Millie Faye down here taken John Lynch and raised him with her family.
Q And this missionary took you to Kansas? A Yes, sir, taken me

to Kansas.
Q How long did he keep you there? A I reckon I stayed with him nearly a year and I run off from him.
Q And came back where? A Well, I didn't come direct back here, but I left from him, and went to Eudora, Kansas, and worked for a doctor there about four or five months, and then I came to Ottowa and then I came back to Coffeyville and then down to the Nation.
Q You were a good size boy? A Yes, sir, I was quite a chunk of a boy.
Q About how old were you when you ran off? A I guess I must have been about 14 years old.
Q When you ran off from this missionary? A I was about 12 to the best of my recollection.
Q You can't speak definitely about it? A No, sir, I was about that age.
Q How long had you been in the Cherokee Nation before you went back to Kansas with that missionary? A Not very long, to the best of my knowledge.
Q What was your sister's name in 1880? A Her name was Mary Watson.
Q Has your sister applied for enrollment? A Yes, sir.
Q And is her name Watson now? A Yes, sir.

Commissioner: Counsel for the applicant says that his sister Mary Martin has not applied yet, and that her status is the same as the applicant. John Lynch, who is said by the applicant to be his half brother, and to have had the same mother, is enrolled on Cherokee Freedmen straight card No. 826, and is identified on the 1880 roll, page 281.

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David Martin, being duly sworn by Commissioner Breckinridge, testified as follows:
Mr. Smith: What is your name? A David Martin.
Q Where do you live? A I live up in Cooweescoowee district.
Q What postoffice? A Coffeyville, Kansas.
Q How old are you? A 64.
Q How long have you lived in the Cherokee Nation? A All my life, only during the war, the commencement of the war.
Q Do you know James Martin, who is the applicant in this case? A Yes, sir.
Q How long have you known him? A Knowed him since he was a little bit of a baby.
Q Did you know his father? A Yes sir.
Q Who was his father? A John Martin.
Q Did you know his mother? A Yes, sir.
Q Who was his mother? A Harriett Harrison.
Q When did you know Jim first, about what time? A I knowed Jim in I guess in '58 or '7 or '9, I knowed him three or four years before the war, maybe longer.
Q Where was he when the war commenced? A He was over at Lynch's.
Q What Lynch was that? A Joe Lynch.
Q Do you know to whom his mother belonged? A Belonged to Joe Lynch as most of the slaves did, I learned that Joe Lynch bought her from Harrison.
Q Was Joe Lynch a Cherokee Indian? A Yes, sir.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Did James Martin have any brothers or sisters? A One by the name of Mary and one by the name of John and one sister by the name of Lizzie I think.
Q Was Mary younger or older than James, or do you know? A I think James is the oldest, I am not certain, I don't know exactly the two ages; Mary may be the oldest; it has been so long, but I think she had two little children, had three; there was one wasn't

none of Josh's when he had her.
Q Who was the father of Mary? A Josh claim to be.
Q Mary and James were full sisters and brothers? A Yes, sir.
Mr. Davenport: Now you knew the applicant's mother? A Yes, sir.
Q How long did you know her before the war broke out? A I knew her I guess probably ten years.
Q How far did you live from her? A I lived--sometimes we were all right together.
Q How far was your home from where hers was? A It was about five or six miles.
Q Did you know before the war broke out a man by the name of Harrison, who looked after the cattle of Joe Lynch and stock?
A Yes, sir.
Q I will ask you if Harrison didn't own Harriett, if Harriett didn't belong to Harrison when you first got acquainted with her?
A She did.
Q And if she didn't belong to Harrison at the breaking out of the war? A No, sir, two or three years before I left here, I went to the woods in '60, and she belonged to Lynch when I run off in the woods, when I was scouting.
Q Did you know Lynch's daughter, Nancy, or Harriett; did Lynch have any children at that time, Joe Lynch? A He had a host of children.
Q What was the name of the children? A Chick and Lon and Joe and Caroline and Brack.
Q They were living there at the time you knew this woman? A Yes, sir.
Q And Jims father live at that time, the applicant here? A He lived with me.
Q Was he your brother? A No, sir, belonged to the same man I did.
Q He lived about four or five miles from where Harriett lived?
A I don't know exactly, I never measured it, we walked up there any time we wanted to.
Q Same neighborhood or locality? A Yes, sir.
Q Do you know where Jim went during the war, his parents? A Well, I seen Jim with his father and mother in Kansas in '63.
Q You don't know when they came back? A No, in '63 I was in Kansas and visited Josh and his family, and he had Mary and Jim.
Q You have told me you saw them up there, when did they come back, to your knowledge, to the Cherokee Nation? A Well, if you will let me tell you I can tell you; I went on in the army in '63, and in '66 when I came back coming home that way they wasn't there, they was done left Kansas, and had come to the Nation.
Q How do you know they had come to the Cherokee Nation? A I went to see them and they had left for the Nation.
Q You don't know where they had gone? A No, sir, that is what was said.
Q You know they had left that part of Kansas? A Yes, sir.
Q What part of Kansas was that where they were living? A A little Southwest of Lawrence.

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Allen Lynch, being duly sworn by Commissioner Breckinridge, testified as follows:
Mr. Smith: State your name? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your postoffice? A Vinita.
Q Do you know James Martin, the applicant? A Yes, sir.
Q Do you know his sister, Mary Watson? A Yes, sir.
Q Do you know who the father of James and Mary was? A Yes, sir.
Q Who was he? A Joshua Martin.
Q Who was the mother of these children? A Her name was Harriett.
Q When did you first know these children? A I have nowed them ever since they were born.

Q Which is the oldest? A Jim.
Q About how much? A About 2 years the oldest.
Q Where were they when the war commenced? A They were living over there on the Six-mile Bend.
Q In what Nation? A In the Cherokee Nation.
Q Do you know whether they went out or were taken out during the war or not? A They were taken out time of the war, yes, sir.
Q Do you know whether they were brought back? A Yes, sir.
Q When were they brought back? A Brought back somewhere along in the summer of '66, I can't tell just exactly.
Q That was in the year '66? A Yes, sir.
Q Who brought them back? A Uncle Jess Rowe.
Q Is he living or dead?A He is dead.
Q Where were they brought to? A Brought down to Simon Lynch's.
Q At what place did Simon live? A We were living over there on Mustang between Cabin Creek and Mustang.
Q How far from over there? A 15 or 16 miles from Vinita.
Q How long did they remain in the Cherokee Nation then; or I will ask you with regard to Jim, how long did Jim remain before he went away again, do you know? A They were not down there only a week or ten days before they went away.
Q Where was the father and mother at that time? A Their mother was dead.
Q Was the father living? Was the father dead too? A I can't tell you whether he was dead or not, I think he was dead, I am pretty certain he was.
Q Was this man, Josh Martin, I believe you call him, were he and this woman Harriett man and wife? A Was before the war? A Yes, sir.
Q Were both these children known and recognized as his children? A Yes, sir.
Q How long have you known James Martin here in the Cherokee Nation; was he here in 1880? A I believe he was here in 1880. I will not be sure.
Q You know to whom his father Josh Martin belonged? A Yes, sir, I know who he belonged to.
Q Who did he belong to? A He belonged to Joe Martin.
Q Was Joe Martin a Cherokee and a citizen of the Cherokee Nation? A Yes, sir, we used to work together.
Q Who did this woman belong to, the mother? A We always supposed she belonged to Joe Lynch, we always lived in the same place together, he controlled us all.
Q Do you mean you were on the same place with the mother of James Martin? A Yes, sir.
Mr. Davenport: What do you know about to whom she belonged, anything? A Nothing particular, only we all lived there, and I have heard Joe Lynch say we all belonged to him.
Q Did you ever hear Joe Lynch say Harriett belonged to him? A Yes, sir, Harriett and Harrison both.
Q Harrison was a white man was he? A Yes, sir, he was a white man, he controlled us.
Q Harrison had a negro woman, a colored woman, that was named Harriett, that belonged to him? A Yes, sir, yes she was there.
Q He was the boss? A Joe Lynch was the boss.
Q Was Joe Lynch the father of Lon Lynch? A Yes, sir.
Q Lon was there at the same time? A Yes, sir, he was there.
Q Doyou know where these people went during the war, Jim? A Yes, sir.
Q Where did they go? A Went up to Kansas, I don't know whereabout in Kansas.
Q When they came back, who was living near where they returned to, what Cherokee families? A There wasn't any there, wasn't any Cherokee families there.
Q Was there any Cherokee families living near where you were living

at the time they came back? A Northing but Jess Cochran, he lived about five miles of us.
Q You testified before the Kerns-Clifton Commission in this case?
A I don't know as I did, I might have.
Q Don't you know you did? A Yes, sir, I know I did.
Q In giving your testimony in this case, you didn't testify as follows: "-Bob Daniels and Dick Downing lived near me in 1866."?
A You have got that wrong, it is Bob Downing.
Mr. Smith: I object to its being called a record.
A I said Bob Downing and Dick Downing lived near us: that is right; I had forgot that; Bob Downing and Dick Downing lived near us, yes sir; Bob Downing, it is not Daniels.
Q Where has Jim been living since that time, do you know? A Jim, he has been to the best of my knowledge, here around; the first time I seen him he was working around on Big Creek.
Q Are you able to state whether or not he has resided continuously in the Cherokee Nation since that time? A No, sir.
Mr. Smith: I didn't understand there was a question about his residence; I understood the question was about the ownership.
Mr. Davenport: Yes, there is a question about everything; there is a question about his being a slave, about when he returned, and a question about whether he stayed here when he did return.

James Martin, recalled, testified as follows:
Commissioner: You say you russled for yourself a good deal in your early life? A Yes, sir.
Q Your father and mother died when you were very young? A Yes, sir.
Q While you were around making a living for yourself, where was your brother John, your half brother, John Lynch? A He was down here on Grand River.
Q Who was he living with? A He made his home with Millie Frye, she taken him.
Q How old is John Lynch now? A He is about thirty I reckon, to the best of my knowledge.
Q Well up in thirty? A Yes, sir.
Q Where is he living at this time? A Living out on Pryor Creek.
Q In the same neighborhood where he lived when a child? A No, sir, that is west of here, I expect about fifteen or sixteen miles.
Q Did he rove around like you did? A No, sir.
Q Were these people kin folks that he lived with? A Yes, sir.
Q What kin? A Millie Frye I think was either his aunt, I think his aunt; I don't know whether she is a half sister to Al Lynch or a first cousin, they are related.
Q You and John, I understand you to say, have the same mother?
A Yes, sir, the same mother.
Mr. Davenport: Who was John's father? A Al Lynch.
Q That testified here? A Yes, sir.
Mr. Smith: You stated I believe that you were probably twelve or thirteen years old when you came back from Kansas the last time?
A Yes, sir.
Q Have you ever lived outside of the Cherokee Nation since that time? A No, sir.
Commissioner: Have you ever been outside of the Cherokee Nation except when you were carried off for tiral and imprisonment? A No, sir.

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Simon Lynch, being duly sworn by Commissioner Breckinridge, testified as follows:
Mr. Smith: What is your name? A Simon Lynch.

Q How old are you? A About 72.
Q Where do you live? A I live on Grand River.
Q What is your postoffice? A Spavinaw.
Q Do you know James Martin, the applicant in this case? A Yes, sir.
Q How long have you known him? A Knowed him ever since he was a child, off and on.
Q Do you know whether he was taken out of the Nation, Cherokee Nation, during the war, or not? A Yes, sir, he was taken out.
Q Do you know whether he was brought back, or whether he came back afterwards? A He was brought back, some colored folks fetched him back.
Q Do you know who they were? A Yes, sir uncle Jess Rowe.
Q When was he brought back? A It was in '61 I believe; '66 I think it was.
Q Do you know his sister Mary? A Yes, sir.
Q Was she younger or older than he? A Older.
Q You know she was older? A Yes, sir, older.
Q Aren't you mistaken about that? A Yes, sir, born right on my master's place both of them.
Q You think she is older than Jim? A I know she is.
Q Was she brought back too? A Yes, sir, both of them.
Mr. Davenport: You say Jim was brought back in '66? A Yes, sir.
Q What makes you remember it was in '66? A Because they come to my house.
Q You remember distinctly each year when anybody comes to your house? A I know where I was living at that time.
Q Were you only living there the one year? A No, sir.
Q Have you lived there continuously? A No, sir.
Q How long did you live at that place? A About four months, I made a crop on the Creek and moved to that place.
Q You never lived at that place but about four months? A About four months.
Q Then where did you go? A Moved over on George Clark's place on the river.
Q When did you move there? A In the fall of '66.
Q They had come to your house before you moved to George Clark's place? A Yes, sir.
Q How long did you stay in George Clark's place? A Three or four months.
Q Then where did you go? A Built on a place of my own, on the place I am living at now.
Q And that is what makes you know it was in '66? A Yes.
Q You came back to the Territory when? A '65.
Q You didn't wait for the war to close? A No, sir, I came down here in '65.
Mr. Smith: A re you a Freedman of the Cherokee Nation? A Yes, sir.
Q On the 1880 roll? A Yes, sir.

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Allen Lynch, recalled, testified as follows:
Commissioner: You are the father of this John Lynch we have been talking about, are you? A Well, yes sir.
Q Were you married to his mother Harriett? A I was then, yes, sir.
Q When were you and Harriett married? A Well, I can't tell you the year.
Q Where were you married? A Well, it was down on Grand River, about six miles or seven miles from where the old man Joe Lynch lived.
Q That is since the war you married her? A No, sir, way before the war.
Q How old do you call John? A John, I call him, John was a baby a year and a half old in '62; '62 we went out of here I think it was.

Q How old would you call this man James Martin, son of Harriett? A Jim must be about ten years old when he went out of her; I can't tell you exactly, he might have been older and might not have been so old.
Q Jim is a little older than he thinks he is; he is somewhere about 45 or up there? A He is older than that.
Q Jim was born when you married Harriett? A Yes, sir.
Q That is this Jim Martin now? A Yes, sir.
Q Were you ever married before you married Harriett? A No, sir.
Q Had she ever been married before she married you? A Yes, sir.
Q To whom had she been married? A Married to a man named Josh Martin.
Q Was Josh Martin her first husband? A No, sir, I guess not.
Q Was Josh Martin a slave in the Cherokee Nation at the breaking out of the war? A Yes, sir.
Q Did he belong to a Cherokee citizen? A Yes, sir, Joe Martin, a Cherokee man.
Q This woman Harriett was then your wife at the time the war broke out? A No.
Q Had you and she parted? A We had quit when the war broke out.
Q You had quit before that? A Well, about the time of the war.
Q Was she a slave at the time you married her? A Yes, sir.
Q To whom did she belong? A She was living with Chick Lynch.
Q Is that a Cherokee citizen? A Yes, sir, Lon Lynch's brother.
Q Did she belong to him? A I don't know, I cant tell, I couldn't tell anything about negroes them days.
Q You were a slave yourself? A She was there working like I was, I couldn't tell about them.
Q Was she free? A No, sir, she was working there.
Q She wasn't working for wages? A No, sir, she was working and living with us.
Q Was she a colored woman? A Yes, sir.
Q When she was your wife you certainly know whose slave she was? A We always claimed she belonged to Joe Lynch.
Q Do you know positively to whom your wife Harriett belonged; don't you know who her master was? A No, sir, we were all together.
Q She was your wife and you didn't know who she belonged to? A She was living there with us.
Q Who did she claim as her master? A We all claimed that she belonged to Lynch, that is all I can tell you.
Q Is that this man you call Chick? A No, Joe Lynch, the old man.
Q You claimed that you belonged to Joe Lynch? A That Joe Lynch had ---
Q What a minute; you claimed at the time you were married to Harriett you belonged to Joe Lynch? A Joe Lynch, we were all living there together.
Q Who were you working for? A Joe Lynch.
Q You were living on his place? A Yes, sir.
Q Well, what has this man Chick got to do with it? A Well, that was his boy, after the old man died --.
Q That is his son? A Yes, sir.
Q When did Joe Lynch die? A Well, sir, I can't tell you whether he died in '61 or in '60, I can't tell you exactly.
Q Along about the beginning of the war? A Yes, sir, he started to Hot Springs and he died.
Q Now at the time Joe Lynch died did you recognize that he was the master of yourself and of this woman Harriett? A Yes, sir.
Q If you had been put up to be sold who would have sold you? A I would have thought Chick Lynch would have sold me.
Q Joe Lynch wasn't dead, I am talking about JoeLynch? A I would have thought Joe Lynch would sold me.
Q After Joe Lynch died, did you still live on the Joe Lynch place? A We lived on there about a year, I reckon, before we moved from

there, and went about four or five miles from there; his son Chick was down there.
Q After Joe Lynch died who had control of you? A Chick Lynch.
Q Did you recognize him as your master? A Yes, sir.
Q Where was this woman Harriett? A On the same place.
Q Did she recognize Chick Lynch as her master? A Yes, sir, that is what she die.
Q Did you recognize that Chick Lynch had the right to sell her or do what he pleased in that way? A Yes, sir, I did.
Q Was there ever any question raised as to her belonging at that time to anybody except Chick Lynch? A No, sir, not to my knowledge; this man that brought Harriett there was living with us too.
Q What was his name? A Harrison.
Q Who was Harrison, was he a Cherokee citizen? A No, sir he was a whiteman.
Q You say he brought Harriett there? A He brought her there when she first came there.
Q And did he continue to live there? A He lived there until the war came up; not before the war came up, during of the war, why then Chick brought me out.
Q I am after finding out something about Harriett. When did this man Harrison bring Harriett there? A I can't tell you.
Q Was that befor you married her? A Yes, sir, five or six years before.
Q Then it was a long time before the war? A Yes, sir.
Q Did this man Harrison continue to live on this place until the war broke out; what became of this man Harrison? A You want me to tell you where he lived and where Lynch moved him; Lynch moved him around like he would move around the balance of us negroes.
Q Where did Harrison come from? A I don't know, I don't know where he come from.
Q He brought Harriett with him, did he? A Yes, sir.
Q You don't mean to say Harrison was a slave of Lynch? A No, sir, but he served like one.
Q Did Harrison live with Lynch or on Lynch's place under Lynch's direction all the time until the war came on? A I have told you all as far as I know.
Q What did he seem to have to do with this woman Harriett? A She was a cook there with us.
Q Did she ever speak of him as her master? A She called him master, yes, sir, and called Lynch master.
Q I am speaking of this in thesense of owning her; did she ever speak of Harrison being her owner? A No, sir, not particular, that is all she called Lynch, master, and we called him master.
Q You know that is not what I am talking about. A You mean did she ever speak of him being her master?
Q Being her owner? A Yes, sir.
Q Well, tell me about that; did she ever speak of Harrison as being the man who owned her? A Yes, sir, she said so.
Q Did she say so all the time? A Always said so, yes sir, and always lived with him.
Q So then as far as her belief and statement went, she was the property of Harrison? A Yes, sir.
Q Did Harrison ever sell her that you know of? A Not as I know of unless he sold her to Joe Lynch.
Q You don't know what he di ? A No, sir.
Q Did Harrison seem to own any other slaves except this woman Harriett? A Nothing except her and them children.
Q How many children did she have that appeared to belong to Harrison? A They was George and Jim and Mary and John that she had when she was there.
Q He just seemed to own that woman and that set of children? A That is all, and that is all that lived with him.

Q Now your child John was born before the war, was he? A He was just about a year old or a little over when the war came up, just beginning to crawl around.
Q Did you consider that John belonged to Lynch or belonged to Harrison? A I considered him belonging to Lynch.
Q And that his mother belonged to Harrison? A Well, we were all there together, of course I thought we all belonged to him.
Q How can you make that contradictory statement, because you told me your wife always claimed to be the property of Harrison? A ell Lynch controlled us all is what I am trying to make you understand; what he said went with us.
Q Being under his orders is one thing and being his property is another? A I can't tell you about that, because I don't know how they managed their things.
Q Lynch seemed to be in general control and authority there, did he? A Yes, sir.
Q Well, then when you moved out during the war, where were you taken?
A Me, I went to Kansas.
Q Where was this woman Harriett taken? A She went to Kansas.
Q Did she go along at the same time you did? A No, sir.
Q The Union soldiers took you up? A I went up alone.
Q When did Harriett go? A She went after the troops came down here.
Q And what had become of Harrison at that time? A Why they killed him.
Q Killed in a fight down here? A No, I think the Cherokees came over and killed him.
Q What became of Lynch; he died? A Yes sir, he died.
Q What became of his son Chick? A They killed him I think about the same time.
Q And that broke up the whole question of ownership and everything of that kind? A Yes, sir.
Mr. Smith: Did you ever hear of any statements between Lynch and Harrison with regard to who owned this woman, and these children, as between themselves; did you ever hear any controversies or disputes?

Mr. Davenport: I don't think that would be competent.
Commissioner: It would be competent to show who claimed ownership.

A I have hard Lynch say time and again that Harrison and all his negroes belonged to him.
Q Did he say why? A He would get a little mad at him and order him to do something and he would send some of them to tell him to go do so and so, and he claimed to belonged to him, I don't know whether he belonged to him or not.
Q What was the reason, if you know, that Harrison was treated in that way? A

Mr. Davenport: I object to that as being immaterial in this case.
Commissioner: It might be material.

Q Can you answer that? I asked you why this man Harrison permitted Lynch to order him about in that way; do you know? A Why you see after Lynch went and got Harrison there he put him on the ranch and he gave him so many cattle to take care of, and we had to make lots and make crops for him, us fellows did, and whatever he authorized Harrison to do that he had to do, and I can't tell you anything, that has been a long time ago.
Q Either one of them owe the other? A I suppose Harrison must have owed Lynch, or he wouldn't have been dogged around there.
Q Do you know? A No, sir, I never seen him receive a dollar in my life.
Q Do you know whether Harrison ever made a conveyance of these negores, if he owned them? A To Lynch, no sir; if he did I didn' know it, I can't tell you whether he ever made any conveyance, I have

always heard Lynch say Harrison borrowed money from him, but I don't know that.
Q You don't know which one owed? A No, sir, I don't know which one borrowed money.
Mr. Davenport: Harrison acted in the capacity of what was known at that time as an overseer of the plantation and cattle? A Yes, sir, and Lynch acted as master.

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Columbus McNair, being duly sworn by Commissioner Breckinridge, testified as follows:
Mr. Smith: State your name? A Columbus McNair.
Q Where do you live? A I live in Vinita.
Q How long have you lived there? A I lived in Vinita 12 or 14 years.
Q Do you know James Martin the applicant in this case? A Yes, sir.
Q Do you know his sister Mary Watson? A Yes, sir.
Q How long have you known them? A I have known them ever since they were small; I have seen them before the war.
Q Did you know the mother? A Yes, sir.
Q What was her name? A Harriett.
Q Where did she live? A I first seen her at Joe Lynch's.
Q To whom did she belong? A I am not save to say exactly to whom she was belonged, she was right at Joe Lynch's when I seed her.
Q What was she doing? A Just right there on the place withthem around with the rest of the colored people.
Q What work; did she have any special work? A I can't say that, I can't say that she had any special work to do.
Q How long was she at Joe Lynch's place? A I am not able to say that, I can't say how long had she been there.
Q You don't know who she belonged to? A No, sir, I don't really know.
Q Of your own knowledge? A Of my own knowledge, I don't really know; I have always just like this, I just thought she belonged to Mr. Lynch, she was on the place.
Mr. Davenport: I object to what he thought about it.
Commissioner: He can give the belief he had there.
Mr. Davenport: I object because he has already stated he didn't know to whom she belonged.
Commissioner: Well, that is immaterial.
Q What led you to believe she was a slave? A Well, I can't tell anything about it, she was right on the place with Mr. Lynch's other colored people, and I just supposed she belonged to Mr. Lynch; I can't tell whether she belonged to him or not.
Q You saw her there with the people who did belong to Lynch?
A Yes, sir.
Q And on Mr. Lynch's place? A Yes, sir.
Q And at work there? A Yes, she was right there with the balance of the women.
Q Did you ever hear at that time any question raised as to her not belonging to Lynch? A No, sir, I never heard anything about it.
Mr. Davenport: I object to that question.
Commissioner: He has already stated he didn't know whether she did or not.

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C. L. Lynch, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A C. L. Lynch.
Q How old are you? A 60.
Q What is your post office? A Stilwell.

Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Give me the name of your father? A Joseph M. Lynch.
Q Your father was a recognized citizen of the Cherokee Nation was he? A Yes, sir, a Cherokee.
Q How long has he been dead? A He died in 1861.
Q Did he own a slave by the name of James Martin? A No, sir.
Q Look around and see that man (indicating applicant). Did he ever own that man? A No, sir.
Q Did that man ever live in your father's place? A Yes, sir, his master was a man by the name of John Harrison, who came in the country, a non citizen.
Q Where did John Harrison come from? A I don't know where he came from when he came to the Nation, but he was a South Carolinian, he claimed to be.
Q He didn't claim to be a Cherokee citizen? A No, sir.
Q Did he bring some slaves with him? A Yes, sir.
Q Did he bring a slave woman named Harriett? A Yes, sir.
Q Did she marry a colored man named Josh Martin? A Well, she lived with him, I don't know whether she married him or not.
Q To whom did that colored man belong? A Belonged to the estate of Sarah Martin.
Q Was Sarah Martin a Cherokee citizen? A Yes, sir.
Q Well now this woman Harriett, at the time she was freed by the war, was she still a slave up to that time of this man Harrison? A She belonged to John Harrison.
Q Was this man James Martin recognized in that day as the property of this white man Harrison? A He was just a child at that time, quite young.
Q He was recognized as Harrison's property? A He was recognized as John Harrison's property. J. M. Lynch's property was valued and scheduled; Harrison's property was never placed on the schedule as J. M. Lynch's property.

Mr. Smith: I will object to that; it is not the best evidence.

Commissioner: It is proper, as a circumstance of his knowledge.

Q These people were all slaves at the time they were freed by the war, were they? A Yes, sir, they were slaves in '61.
Q Did your mother survive your father? A My mother died first, both died the same year.
Q Did you have brothers and sisters at the time your father died? A Yes, sir.
Q Did any of your father's heirs inherit this woman Harriett or any of her children? A Never did.
Mr. Smith: You say your father died in '61? A My father died in 1861, my mother died in 1861.
Q Well, about when was it that the negroes all went out, or the greater part of them, went out of the Cheromee Nation? A About July, 1862; I know I went out with them a prisoner.
Q How old are you? A I am 60; 60 the 9th of this month; I was born in 1841.
Q With whom did you go out? A I went out with the Government soldiers, I went out as a prisoner of war.
Q And at the same time they took the slaves did them? A The slaves went first.
Q Did they go before or after you went? A Went about the same time; I saw them all along the road.
Q They commenced going before June, 1862, did they? A No, 1862 was the bust up here, about July, 1862.
Q Where were you living? A Living over here on Grand River at what is called Lynch's prairie.
Q Were you living at that place at the time the war broke out? A Yes, sir, right at that place.

Q The mother of James Martin, Harriett, lived there, didn't she?
A Not ~~#### that~~ that I can recollect of ; John Harrison had control of them up till the bust up.
Q Where was John Harrison? A There in the neighborhood.
Q Wasn't on your place? A He wasn't on our home place, he attended the ranch for my father; John Harrison was a non citizen.
Q Didn't this woman, who was Jim Martin's mother, live on your father's place? A Well, the place belonged to my father, but then John Harrison was living there too.
Q Didn't she live where the slaves of your father lived? A No, sir.
Q Was there an entirely separ ate and distinct set? A Yes, sir.
Q Then your father didn't have anything to do with these people at all? A Nothing that I know of, nothing at all.
Q Do you know whether your father ever claimed them or not?
A No, sir, never did to my knowledge.
Q You never heard him or Harrison have any dispute about them?
A None whatever.
Q Did Harrison owe your father anything? A Nothing that I know of; they were known and recognized as Harrison's property at that time, and the Lynch darkies were valued and placed on a schedule and these Harrison darkies were never valued and placed on the schedule as J. M. Lynch's property.

****

Commissioner: The applicant is identified on the Wallace roll, and claims to have lived in the Cherokee Nation all his life, except a brief absence in Kansas during and immediately after the war. For the further consideration of this case, he will be listed for enrollment as a Cherokee Freedman on a doubtful card, and attention is particularly called to the testimony relating to the ownership of his mother, Harriett Martin, who it appears was a slave in the Cherokee Nation at the time of the Civil war, but it is claimed that she and her child, the applicant, were the property of one Harrison, a white man, and a non citizen of the Cherokee Nation. The fuller decision of the Commission will be made known to the applicant at his postoffice address.

++++++++++++++++

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and compl te transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of May, 1901.
C. R. Breckinridge,
Commissioner.

The undersigned, being duly sworn, says as stenographer to the Commission to the Five Civilized Tribes that the above and foregoing is a true and correct copy of the original.

Subscribed and sworn to before me this 20th day of July, 1901.

Commissioner.

COMMISSIONER
AUG 1 1902
CHAPLAIN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Ann Watson, D 347;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 1 1902

ACTING CHAIRMAN.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Howard T. Waton, D 347;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a ~~copy~~ certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/

In the matter of the application of James Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

James Martin,.....Cherokee Freedmen D 344
Mary A. Watson,.....Cherokee Freedmen D 347.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by James Martin, for himself, and by Mary A. Watson, for herself. The application of Mary A. Watson also included her husband, Howard F. Watson, who claims right to enrollment as a Cherokee Freedman by intermarriage, but, the citizenship of persons applying for enrollment as Cherokee Freedmen by intermarria e not being fixed at this time, the said Howard F. Watson is not embraced in this decision.

The evidence shows that the applicants, James Martin and Mary A. Watson, were born prior to the beginning of the war of the rebellion and that they were not slaves of Cherokee citizens or free colored persons residing in t he Cherokee Nation at the beginning of the war of the r ebellion.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of James Martin and Mary A. Watson, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(Sig.) T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Tom F. Cleary
Commissioner.

Muskogee, Indian Territory,
this JUL 10 1903

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FILED
MAY 25 1904
COMMISSION TO FIVE TRIBES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 24, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications of James Martin, C. F. D. 344, and Howard F. Watson, et al., C. F. D. 347.

It appears from the records in these cases that the applicants, their attorneys, and the Cherokee Nation were notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on June 15, 1904, for the purpose of introducing further testimony in accordance with the Department's letter of April 4, 1904, remanding these cases. By agreement of the parties this case has this day been taken up for hearing on this day.

APPEARANCES:
Applicants by attorney White, of the firm of Kimball & White, and applicant, James Martin in person.
Cherokee Nation by attorney James S. Davenport.

R. L. MARTIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A R. L. Martin.
Q How old are you? A 56.
Q What is your postoffice address? A Pensecola, I. T.
Q Are you a recognized citizen by blood of the Cherokee Nation?
A Yes, sir.
Q Do you know the applicants in these cases, Howard F. Watson and his wife, Mary A. Watson, and James Martin? A I know James Martin.
Q You don't know the others? A No, sir.

By Mr. White:
Q Did you know James Martin's father? A Yes, sir.
Q What was his name? A Joshua.
Q Was he a slave before the war? A Yes, sir.
Q Who owned him? A My father, Joseph L. Martin.
Q Was your father a citizen of the Cherokee Nation? A Yes, sir.
Q Was he on the 1880 roll? A Yes, sir.

By the Commission:
Q You say Joseph L. Martin is your father and his name appears on the 1880 roll? A Yes, sir.
Q Is what district? A Cooweescoowee.
Q With whom would he be enrolled at that time? A Himself and family.
Q What was the name of his wife in 1880? A Jennie.
Q What children? A Jesse, G. A., and Willie.

The name of Joseph L. Martin appears on the 1880 authenticated Cherokee roll, Cooweescoowee District, opposite No. 1858, as Jos. L. Martin, native Cherokee, 60 years of age.
Beneath appear the names of Jennie Martin, Jesse B. Martin, Granvil A. Martin and Willie A. Martin.

By Mr. Davenport:
Q Mr. Martin, you say you knew Jim Martin before the war? A No, I don't remember him.

Q Do you know where and with whom his father was living prior to the breaking out of the war? A With my father.
Q Where was your father living with reference to the old Lynch place when the war broke out? A About five miles very near south.
Q Where was Jim Martin living at the breaking out of the war?
A This Jim?
Q Yes, sir. A I don't know only what they say.
Q Do you know to whom Joshua Martin, the father of this man, belonged at the breaking out of the war of your own personal knowledge?
A No, sir.
Q How old were you when the war broke out? A I was born in '47; make me 13 years old.
Q Do you know the mother of James Martin? A No, sir.
Q Were you old enough to remember a man by the name of Harrison who came from South Carolina and lived at the Lynch place? A Yes, sir.
Q Do you remember of Harrison's owning a colored woman who was the mother of James Martin, by the name of Harriet?

Mr. White: We object to that question for the reason that it does not call upon the witness to state a fact, but announces as a fact and asks the witness to state whether he remembers it or not, and we don't admit that this woman was the slave of this man Harrison, and we further object to the question on the ground that it is immaterial to whom the mother of this applicant belonged.
Commission: Objection will be noted and the witness will answer the question.

A I don't remember anything about it. I remember the old man Harrison living there.
Q Do you know C. L. Lynch, the son of Judge Lynch? A Yes, sir.
Q How old was he at the time the war broke out? A He was grown and married; I don't know his age.
Q Do you know whether this man Harrison had any slaves at time the war broke out? A Couldn't say.
Q Was Jim Martin, the applicant in this case, living at your fathers place when the war broke out? A Not that I know of; don't remember it.
Q Did you ever know his mother or where she lived? A No, sir.
Q All you know is , you know Jim Martin's, or who Jim Martin claims as his father? A Yes, sir.
Q And you know that Joshua Martin was the slave of your father?
A Yes, sir.
Q You ~~kkkkkk~~ don't claim to know anything about who Jim Martin's mother was or to whom she belonged or to whom Jim belonged? A No, I don't remember.

By the Commission:
Q You don't know when Joshua Martin returned to the Cherokee Nation after the war? A He died during the war.

By Mr. Davenport:
Q Do you know of your own personal knowledge that Joshua Martin was the father of Jim Martin? A No, sir.
Q You never saw him living with him? A It is all hearsay; they always claimed it; in fact don't know whether he could swear to that.

By the Commission:
Q Do you know where James Martin was born? A No, sir.
Q You don't know whether Joshua Martin and James' mother were living together at the time James Martin was born?

Mr. White: We object to that as not being proper cross-examination. I have offered this witness for the sole purpose of proving that Joshua Martin was the slave of Joseph Martin, who was the slave of a Cherokee citizen, and have other witnesses to prove that Joshua Martin was the father of this applicant. This witness doesn't know, and told me before he went on the stand that he didn't, and, therefore, I didn't att empt to prove it by him.

Commission: Objection will be noted and witness will answer the question.

A No, I don't know that; they didn't live together then like they do now.

ANDERSON LYNCH, being first duly sworn, testified as follows:

By Mr. White:
Q What is your name? A Anderson Lynch.
Q Where do you live? A Up on Grand River, near Vinita.
Q You are a Cherokee freedman? A Yes, sir.
Q How old are you? A About '66.
Q Have you been regularly enrolled on a straight card by the Commission?

Mr. Davenport: I object to the question as being immaterial and incompetent. It isn't necessary that a man should be a Cherokee citizen in order to give evidence in this court or any other court.

Mr. White: It is customary in every court in existence to show the status of the witness in the community, his occupation, his identity and any other matters which may show his credubility or his knowledge of the subject matter about which he attempts to testify.

Mr. Davenport: The representative of the Cherokee Nation object to the statement of counsel and say that it isn't a fact in any civilized court in the world that a man has to give his standing in order to give his testimony.

Commission: Objection will be noted and witness will answer the question.

A Yes, sir.

By the Commission:
Q What is the name of your father? A My father is named William Choteau.
Q Was he ever known by any other name? A They called him Bill.
Q What was the name of your mother? A Peggy Lynch.
Q Who was your owner? A Joe Lynch.

Witness appears upon Cherokee Freedmen straight card No. 791, and on the final roll of Cherokee freedmen, approved by the Secretary of the Interior, opposite No. 1933.

Mr. Davenport: Objected to as incompetent and immaterial.
Commission: Objection will be noted.

By Mr. White:
Q Did you go to Kansas during the war? A Yes, sir.
Q When did you get back here? A In '65.
Q Do you know the applicant, James Martin? A Yes, sir.
Q And his sister, Mrs. Watson? A Yes, sir.
Q When did they get back here? A Got back in the summer of '66.
Q Who brought them back? A Jesse Rowe.
Q Where did you see them in the Nation in '66? A Near Joe Martin's place, where Simon had stopped, at the old Military crossing.
Q Simon who? A Lynch.

Q How far was that from where you were living? A About three miles; about three miles from where I am living now.
Q Do you know who their father was? A Yes, sir, we all belonged to the old family of people.
Q What was the name of the father of Jim and Mary? A Joshua Martin.
Q Do you know who owned him? A Yes, sir.
Q Who? A Joe Martin.
Q Was Joe Martin a citizen of the Nation? A Yes, sir.
A An Indian? A Yes, sir.

By Mr. Davenport:

Q Did you belong to Joe Martin, too? A No, sir, my mistress and him were brothers and sisters.
Q Didn't you testify that you belonged to the same party. A To the same people.
Q It wasn't the same people was it?

Mr. White: We object to that question as tending to confuse the witness. He has already explained his relationship.

Commission: Objection will be noted and the witness will answer the question.

A Yes, sir, Joe Martin and Charlotte Lynch were sisters and brothers--
Q I am asking whether you and these applicants belonged to the same man when the war broke out? A No, sir.
Q Did you ever belong to the same party? A Did time of the old grandfather.
Q At the time the war broke out? A No, sir.
Q Was Joe Lynch dead when the war broke out? A The war had commenced when he died.
Q These applicants, James Martin and Mary Watson, weren't living with Joe Martin at the time the war broke out? A No, sir.
Q Was Joshua Martin living with Joe Martin when the war broke out?
A Yes, sir.
Q When did Joshua Martin get back to the Cherokee Nation? A He never come; died.
Q You never saw him? A I saw him afterward; he died up there.
Q He remained up there after the war closed? A He was dead.
Q Did he die before the war closed? A Yes, sir.
Q Do you know what year? A No, sir, I never kept track of the year; I come on back down here in '65.
Q You came back to the Cherokee Nation in '65? A Yes, sir.
Q Where did Harrison, the man who lived on the Lynch place, go when the war broke out?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and winess will answer the question.

A Just across the river from the Tan Yard over there on Lynch's branch. The Pens got him and took him up and killed him.
Q What was the name of the applicants' mother? A Harriet.
Q Who did she belong to before the war?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A She belonged to Harrison, the woman did before the war; belonged to Harrison and in between them was Joe Lynch, and he still let her stay there and cook for Harrison while he was taking care of his cattle. Old man Joe Lynch went south and died and Harrison was taken up and killed; Pen Injuns killed him.
Q As I understand you, at the time the war broke out the mother of the applicants in these cases, James Martin and Mary Watson, was the slave of Harrison, is that correct? A No, sir, I couldn't tell; they was in Lynch's possession.
Q Then you don't know of your own personal knowledge to whom Harriet Martin, James Martin and Mary Watson belonged at the breaking out of the war?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A Lynch had them in possession, and I couldn't tell just which they belonged to. They were under mortgagge to Lynch. He let her stay there to cook, and then they both died, and I don't know how they went; don't know how the children all divided, some went south and some north.
Q How old were you when the war broke out? A 21 years old.
Q Do you know anything about the mortgage you have been speaking about, or did you ever see it? A Never saw it; just heard the talk among them.

Mr. White: I wish to call attention to the fact that in the direct examination, I have not asked this witness anything about any ownership of the mother, Harriet, and I expect, for that reason, that the Cherokee Nation will be bound by any matters brought out by him, and to that purpose witness will be the witness of the Cherokee Nation.

Q Did the applicants, James Martin or Mary Watson, ever live with Joshua Martin? A Yes, sir.
Q When was that with reference to the breaking out of the war?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A He took them from here to Ottoway, Kansas
Q Where did you first see them after the war, the applicants in this case? A On Cabin Creek.
Q Who were they with? A Simon Lynch.
Q Your brother? A No, sir, no kin to me.
Q Where did you next see them? A I couldn't tell just exactly, once in a while, back there among their people; times was hard and nobody could keep them.
Q You don't know anything about anybody trying to keep them, do you? A I know of them trying to get places to stay.
Q Who? A With me a while and did stop with me a while, and on up the river with Nellie Frye.
Q She has never testified in this case, has she? A No, sir, not as I know of.
Q This is the first time you have testified in this case isn't it?
A First time they called on me.
Q How many freedmen cases have you testified in?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer.

A I don't know; kept no record.

JAMES MARTIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A James Martin.
Q How old are you? A I don't know my age just exactly.
Q What is your postoffice? A Vinita and Woodland; get mail at both places.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes, sir.
Q When you applied before the Commission in 1901, you gave your age as 42, was that right? A Yes, sir, something like it.
Q Then you are about 45 now? A Yes, sir.

By Mr. White:
Q When you were brought into the Nation at the close of the war to what place were you taken? A Uncle Simon Lynch's.
Q Where was that? A On Big Cabin Creek.
Q Was your sister, Mary Watson, with you? A Yes, sir.
Q What was the occasion of your going out of the Nation after you were brought in here?

Mr. Davenport: I object to that, because he hasn't shown that he went out; it is immaterial and presupposes what did happen.
Mr. White: I am perfectly willing to admit that he never we nt out.
Commission: Objection will be noted and witness will answer the question.

A. Well, times was hard, and a missionary man stopped at Uncle Simon's and said he would take us and take care of us and said he would give us an education and raise us like white people.
Q Did he take you? A Yes, sir.
Q Where? A Up in Kansas; don't know just exactly now.
Q You said in your former testimony that you staid with him and run off and left him and came back to the Cherokee nation, is that correct? A Yes, sir.
Q And that you were then about 13 or 14 years of age? A Yes, sir.
Q From that time on where did you make your home? A Right here in the Territory.
Q Ever since that time? A Yes, sir.
Q Your sister was taken to Kansas by this missionary? A Yes, sir.
Q And she afterwards came back did she? A Yes, sir.
Q And her home is in the Cherokee Nation? A Yes, sir.
Q Do you know when your sister came back to the Nation? A Yes, sir.
Q About when? A Well, it was later on after that.
Q About how old was she, if you know? A When she came back, about 14 or 15 years old.
Q And has she since then made her home in the Nation? A Yes, sir, generally made it her home. This is our home, the folks always told us, and we didn't know no place else.
Q What was your father's name? A Joshua Martin.
Q Did he recognize you as his son?

Mr. Davenport: We object to that as incompetent and immaterial. It makes no difference whether the father recognizes his son or not.
Mr. White: We don't insist upon the question, since the representatives of the Nation admit that.
Mr. Davenport: The representative of the Nation hasn't admitted anything and the representative of the applicants must not construe his remarks as meaning any such thing.

Commission: Objection will be noted and witness will answer the question.

A Yes, sir.
Q Do you know who owned your father? A Yes, sir.
Q Who?

Mr. Davenport: I object to that as incompetent and immaterial.
Commission: Objection will be noted and witness will answer the question.

A Joe Martin, Cherokee Indian.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.

By Mr. Davenport:
Q How old were you when Joe Martin died? A I don't know just exactly, Mr. Davenport.
Q You can't remember him, can you? A Yes, sir, staid at his house several times; set up at night and talked with him till one and two o'clock.
Q How long before the war do you remember seeing Joe Martin?
A Well, I cannot say, because I was small.
Q You can't recollect when the war broke out? A Don't know but very little about that.
Q Your mother's name was Harriet, wasn't it? A Yes, sir.

Mr. White: We insist that the Cherokee Nation be bound by the answers to any questions in relation to Harriet, the mother, for the reason that we haven't asked this witness anything about her.

Q Did you ever live at your father's, Joe Martin's, before the war? I mean with who was reputed to be your father?

Mr. White: Objected to as immaterial.
Commission: Objection will be noted and witness will answer the question.

A Don't know; couldn't say; was small and don't know.
Q Your mother didn't belong to Joe Martin, did she? A Not that I know of.
Q Do you know, or have you information from the family history as to whom she did belong at the breaking out of the war? A Yes, sir.
Q To whom? A Joe Lynch.
Q Isn't it a fact that the family history of the Lynch family, and that as you receivedit, discloses that she belonged to John Harrison and not to Joe Lynch?

Mr. White: We now object to that question, for the reason, that, having been warned, the representative of the Nation has gone beyond the scope of the examination in chief, has received an answer to that very question, and is now undertaking to cross-examine his own witness.
Com.:Objection will be noted and witness will answer the question.

A Not to my knowledge, no, sir.
Q Do you know Lon Lynch, son of Joe Lynch? A Just when I see him.
Q Now, Jim where were you living when you first remember after you come back to the Cherokee Nation? A Where were I living?
Q Yes, sir. A I lived on Gooseneck Bend a while, and on----
Q The first time you remember; not the different places, the first place you lived in the Cherokee Nation after the war? A That I lived?
Q Yes. A After I come back from Kansas, I lived up there on

Possum Creek a part of the time and working around in the Cherokee Nation.
Q The first time that you remember living in the Nation after the war, not the different places, the first place you were living in the Cherokee Nation after the war? A Well, I couldn't say the very first spot that I remember living, but I can tell you where I lived from one place to another back to about '74.
Q Didn't you testify in your original testimony as to the first place you lived? A I don't know.
Q Didn't you say in that examination that you were living over on Gooseneck? A I don't know; remember I lived there at Gooseneck and at possum Creek and on Big Creek.
Q I am asking you about the first place? A I disremember whether I stated that that was the first place or not.
Q If you did state that the first time you recollected was on Gooseneck, that was correct, wasn't it? A I don't know; I believe that we lived---
Q I am asking you if your statements in your original examination were that you were living on Gooseneck and whether or not that was correct? A I couldn't say, Mr. Davenport, the first place that I lived, I couldn't say.
Q You knew when you gave testimony in 1901 as well where you lived first in the Cherokee Nation as you know to-day, didn't you? A I don't know whether, I couldn't say, recollect now whether it was I told you--
Q The question was, if you didn't know when you gave testimony in 1901 as well where the first place was you lived as you do today? A It looks very reasonable that I should. I lived at all these places, but I couldn't say whether I told you at that time Gooseneck or Possum Creek.

Mr. Davenport: The representative of the Cherokee Nation requests that the hearing in these cases be continued for ten days, in order to enable it to produce testimony to rebut the testimony brought out to-day by the applicants as to the ownership of the applicants, and as to the return of the applicants and as to their remaining in the Cherokee Nation.

Commission: The Commission's records show that the applicants, their attorneys and the attorneys for the Cherokee Nation were notified that they would be permitted to appear before the Commission at nine O'clock A. M., on June 15, 1904, at Muskogee, Indian Territory, and introduce such testimony as they might desire touching the points mentioned in the Department's letter of April 4, 1904, remanding this case, copies of which letter were furnished the parties concerned. By agreement of the parties concerned this case has been taken up for such hearing on this day, and the Commission cannot now grant a continuance.

o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 25th day of May, 1904.

Charles O Sawyer

Notary Public.

a.gm.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James Martin et al., as Cherokee Freedmen, consolidating the applications of:

James Martin,	Cherokee Freedman D 344,
Mary Ann Watson,	Cherokee Freedman D 347.

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D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by James Martin for himself; and by Mary Ann Watson for herself. The application of Mary Ann Watson also included her husband, Howard F. Watson, who claims right to enrollment as a Cherokee freedman by intermarriage, but as his application has been otherwise disposed of, he will not be embraced in this decision. The record further shows that on July 10, 1903, this Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department. Thereafter, on April 4, 1904 (Departmental letter I. T.D. 1370-04), this case was remanded for further testimony, and on May 24, 1904, further testimony in the matter of said application was taken at Muskogee, Indian Territory.

The evidence herein shows that at the commencement of the Rebellion the applicants, James Martin and Mary Ann Watson, together with their mother, Harriet Harrison, were the slaves of one John Harrison, a non-citizen of the Cherokee Nation, and, except that their names appear upon the Wallace roll, they cannot be identified on any roll of the Cherokee Nation.

The evidence further shows that said applicants herein were born several years prior to 1860; that their father, Joshua Martin, at the commencement of the Rebellion was the slave of a Cherokee citizen, and that during said rebellion applicants herein and their father, were taken from the Cherokee Nation; as to whether or not said applicants or their father returned to the Cherokee nation within the time specified in the Whitmire decree, for the return of freedmen to the Cherokee Nation, the Commission does not believe it necessary to consider in order to properly adjudicate the rights to enrollment of these applicants.

As the opinion entertained by the Commission is in direct conflict with the recommendations of the Acting Commissioner, as indicated by his letter of February 16, 1904 (Land 81104-03), it is considered advisable to more fully discuss two questions raised by the record in this case, viz:

(1) The ownership of children born of slave parents where the parents are owned by different masters; and

(2) Under Article nine of the Treaty of 1866, can applicants, born prior to the commencement of the rebellion, claim as descendants of freedmen, or must they stand or fall upon their ability to show whether or not they, themselves, have complied with the provisions of said Article nine of the treaty of 1866?

In re doctrine of Partus Sequitor Ventrem:

In language more forcible than elegant, the doctrine of partus sequitor ventrem was illustrated by Justice Buller of England, as follows:

"Whosoever bulloth my cow the calf is mine."

"Under the Roman law slavery may originate in three ways: Either by birth-- as when the mother was a slave, ..." Am. Enc. of Law, Vol. 25 p. 1089 citing Westbrook v Mitchell, 24 Tex. 560.

In this country it has been held that "The chief means of the perpetuation of slavery in the United States was the adoption from the civil law of the rule partus sequitor ventrem, by which the condition of the child became that of the slave mother." Am. Enc. of Law, Vol. 25 p. 1089 , citing in connection with a number of Federal and state court decisions the case of Fowler v Merrill, 52 U.S. 375, 13 L. Ed. 736, where it was expressly held that "The children of slaves belong to the owner of the mother."

In re term "descendants" as used in Article nine of the treaty of 1866:

Said article, in part, provides:

"All freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

In Departmental letter of March 25, 1904 (I.T.D. 2528-04), in reply to certain questions submitted by attorneys for the Cherokee Nation, it is held by the Assistant Attorney General, in considering said article nine of the treaty of 1866, that

"The period of six months fixed by the treaty is not a limitation upon a right, but a condition qualifying a right given, or created by the treaty. It is in the nature of a condition precedent and essentially a part of the facts out of which the right given arises. There is no right independent of the existence of the conditions imposed. Such limitations affect all alike, competent or incompetent."

Reasoning by analogy, it is difficult to see, if the limitation above indicated is a "condition qualifying a right given" and "affects all alike, competent or incompetent", why the limitation "freedmen who have been liberated by voluntary act of their former (Cherokee) owners or by law", is not a condition qualifying a right given, and should not affect all alike, be they competent or incompetent, one day or sixty years old.

For the purpose of defining our position in this matter more clearly, permit us to divide the freedmen upon whom citizenship was conferred by said article nine of the treaty of 1866, into two classes:

(1) All free colored persons residing in the Cherokee country, and all slaves of Cherokee citizens, at the commencement of the rebellion; and

(2) Their descendants.

The language of the treaty is broad enough to include in the first class all freedmen, etc., and all free colored persons etc., who were in being at the commencement of the rebellion, irrespective of their age, and, in order to perfect their right to Cherokee citizenship, upon them, individually, was imposed the personal duty of complying with the treaty stipulations of 1866.

Were it permitted those in the first class to establish their rights to citizenship in the Cherokee Nation by showing that their ancestors had complied with the treaty stipulations of 1866, this Commission would be placed in the embarrassing attitude of enrolling certain applicants (for instance James Martin and Mary Ann Watson), and denying their children born since the commencement of the rebellion, although such children had done nothing to forfeit their rights to enrollment. It would exempt from compliance with said treaty stipulations those freedmen, born prior to the commencement of the rebellion, whose ancestors had perfected their rights to enrollment as freedmen citizens of the Cherokee Nation.

And again, if a child two years old at the commencement of the rebellion could violate the treaty stipulations of 1866, and still claim the right to enrollment by showing that his ancestors had perfected their right, why cannot an applicant twenty-five, or fifty, years old at the commencement of the rebellion do the same?

As to the second class, designated by the term "their descendants", in Article nine of the treaty of 1866, it is clear to the Commission that it was the intention of the treaty makers to include in this class only those born since the commencement of the rebellion, who can show a continuity in the line of descent from their nearest ancestor included in the first class.

In view of the foregoing, the position of the Commission can be summarized as follows:

First. Under the law, children born to a slave mother belong to the owner of the mother, irrespective of the ownership of the father.

Second. That the term "their descendants", as used in the treaty of 1866, is intended to include only those born since the commencement of the rebellion who are the lineal descendants of slaves of Cherokee citizens, or of free colored persons residing in the Cherokee country at the commencement of the rebellion.

It is, therefore, the opinion of this Commission that the applications for the enrollment of James Martin and Mary Ann Watson as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,

this APR 19 1905

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—58,
Ella Vann,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Elder,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Midleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—190,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—240,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—336,
Samuel Brown,	Cherokee Freedmen D—340,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—358,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kinder Langston,	Cherokee Freedmen D—425,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kissie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—681,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sybee,	Cherokee Freedmen D—733,
Lorkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—753,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeanna Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hanelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D–1010,
Mary Johnson,	Cherokee Freedmen D–1039,
Maggie Vann,	Cherokee Freedmen D–1062,
William Hudson,	Cherokee Freedmen D–1067,
Sarah Rogers,	Cherokee Freedmen D–1078,
Abraham Ballard,	Cherokee Freedmen D–1082,
Laura David,	Cherokee Freedmen D–1085,
John Deckman,	Cherokee Freedmen D–1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Mazir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lon Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Iscan Jones,	Cherokee Freedmen R—104,
Aline Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—156,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Ruby Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Marvin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard E. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Dampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Haselrig for her husband, George Haselrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James R. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ada Adair; by Jesse Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawe, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeanu Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Howard P. Watson,
Vinita, I. T.
Cherokee F-D-347.
Register.

COPY.

Cherokee Freedmen
D-347.

Muskogee, Indian Territory, July 23, 1903.

Mary A. Watson,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of James Martin, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. H-33.

Cherokee Freedmen
D-344 & D-347.

Muskogee, Indian Territory, July 23, 1903.

Mellette & Smith,

Attorneys for James Martin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of James Martin, et al., rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Enc. H-34.

COPY

Cherokee Freedmen
D-344 & D-347.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of James Martin, et al., rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. H-35.

COPY.

Cherokee Freedmen
D-344 & D-347.

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application for the enrollment of James Martin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-36.

LAND.
47062-1903
72331-1903
81104-1903

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 16, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of James Martin for the enrollment of himself and the application of Mary A. Watson for the enrollment of herself, both as Cherokee freedmen citizens of the Cherokee Nation.

It further appears that the application of the said Mary A. Watson also includes the name of her husband, Howard F. Watson, who claims the right to be enrolled as a Cherokee freedman citizen of said nation by intermarriage, but that his application is not embraced in this decision.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants, James Martin and Mary A. Watson were born prior to the beginning of the war of the rebellion and that they were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the war of the rebellion, and that their names are not found on the 1880 authenticated roll of the Cherokee Nation.

By reason of these findings and facts the Commission is of the opinion that the applications for the enrollment of James Martin and Mary A. Watson should be denied, under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats. 495)

I have examined the record evidence submitted in this case and find that the said James Martin testified that he has lived in the Cherokee Nation nearly all his life; that his father's name was Joshua Martin who is dead, and that his mother's name was Harriet Martin, and that she is also dead.

I find that the tendency of all the evidence submitted in this case is to establish the status of his said mother, Harriet Martin and it seems to be an unsettled question as to whether she was the slave of a non citizen by the name of Harrison or the slave of Joe Lynch at the beginning of the war.

There is but little testimony submitted as to the father of these applicants, whose name is given as Josh or Joshua Martin. It does appear from the evidence that this Joshua Martin was the slave of a Cherokee citizen at the beginning of the war. I consider that the record should show more fully just what became of the said Joshua Martin during the war, and about the only testimony as to him is that of David

Martin, who says he is 64 years old, has lived in the Cherokee Nation all his life except during the war; that he knows the applicant James Martin and knew his father, Josh Martin; that he first knew the applicant in 1858 or '7 or '9; that he was over at Joe Lynch's when the war commenced; that his mother belonged to Joe Lynch, who bought her from Harrison; that Joe Lynch was a Cherokee Indian and citizen of the Cherokee Nation.

On cross examination he testifies when asked if he knows when Josh Martin came back, as follows: "no, in '63 I was in Kansas and visited Josh and his family and he had Mary and Jim." The witness is again asked when they came back to the Cherokee Nation and answers: "well, if you will let me tell you, I can tell you; I went on in the army in '63 and in '66 when I came back coming home that way they wasn't there; they was done left Kansas and had come to the nation."

The witness is then asked how he knows they had come to the nation and replies: "I went to see them and they had left for the nation." He is then asked "you don't know where they had gone?" and answers "no sir, that is what was said."

There is some additional testimony taken to show that the said James Martin returned to the nation in 1866, but as stated above, this matter does not seem to have been gone into very thoroughly by either the parties or the nation, as the nation apparently ignored the status of the father and undertook to show that the mother was not the slave of a Cherokee citizen at the beginning of the rebellion, evidently believing that fact alone would be sufficient to make these applicants ineligible to enrollment.

On November 6, 1903 Messrs. Kimball & White filed a brief in this case on behalf of the applicants wherein they set out that the applicants are negroes and were little children at the beginning of the civil war and were living in the Cherokee Nation; that they were taken into Kansas for a short time, but that it is clearly established that they returned within the six months limit fixed by the Cherokee "constitution and that they have been rejected by the Commission on the sole ground that their mother, one Harriet Johnson was the slave of one Harrison, who was a white man and not a citizen of the Cherokee Nation. These attorneys state that the evidence on this question is somewhat conflicting, but that aside from that question it is certain that Joshua Martin, who was the slave of Joe Martin, a Cher-

okee citizen, was the father of these children. Said attorneys then refer to the requirements of the Curtis Act that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered February 3, 1896, and then take up the question of who are descendants as used in said decision.

It is not claimed by these attorneys that the said Joshua Martin returned to the Cherokee Nation within the proper time. As the evidence now stands I consider that it is necessary to hold that the said Josh Martin and his said children were in the Cherokee Nation within the time stipulated by the treaty provisions of 1866, although the evidence is not satisfactory on this point, yet there is some evidence to that effect and none whatever disputing it.

I am therefore of the opinion that unless the nation can show that neither these children nor their father did return to the Cherokee Nation within the proper time, these applicants should be enrolled as Cherokee freedmen citizens of the Cherokee Nation.

On December 18, 1903 the Department transmitted to this office a brief in said case on behalf of the Cherokee Nation, drawn by W. W. Hastings, attorney for the nation, but I cannot concur with the attorney in his argument therein as to

the meaning of the word "descendants" as used in the treaty of 1866. In speaking of the return of these applicants, the attorney states that there is no satisfactory proof that they returned to the Cherokee Nation within the time prescribed by the treaty, but that the Cherokee Nation did not particularly press that point in the introduction of testimony for the reason that the testimony as to the ownership of these two applicants was positive, clear and convincing of the fact that they were not owned by citizens of the Cherokee Nation. I do not believe that these applicants' admission is dependent upon the fact of whether their mother was or was not owned by a Cherokee citizen, since the evidence shows that their father was so owned by a Cherokee citizen at the commencement of the rebellion.

The sole question as I view it is did either they or their father return to the nation within the proper time. Otherwise I consider them eligible for admission and on this point the evidence being in their favor, I recommend that either this record be returned for further evidence or that the decision of the Commission be set aside and the parties be enrolled as aforesaid.

Very respectfully,

WCB/LM

Acting Commissioner.

D.C. 10860. (COPY) W.C.F.

THE

DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D. 1374-1904. April 4, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record in the Cherokee freedman case of James Martin, et al., including your decision of July 10, 1903, rejecting the application of James Martin and Mary A. Watson.

Reporting February 16, 1904, the Acting Commissioner of Indian Affairs recommends that either the record be returned for further evidence, or that your decision be set aside and the parties enrolled.

Following the rule heretofore adopted by the Department, it is necessary in such cases that the Nation and the applicants be allowed sufficient time in which to file arguments. The Department considers it fair to all parties that they be given an opportunity to produce further evidence if they so desire. You will therefore notify the applicants and the attorney for the Nation of the recommendation of the Acting Commissioner, and that

they will be allowed thirty days within which to produce further evidence. The testimony and papers attached are inclosed herewith, together with arguments filed by the nation and the applicants and a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

4 inclosures.

Cherokee Freedmen
D 347

Muskogee, Indian Territory, May 7, 1904.

Howard F. Watson,

Vinita, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Mary A. Watson, as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 10, 1903, rejecting said application.

In accordance with the Department's instructions you are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce further testimony tending to show whether or not your wife or her father, Joshua Martin, returned to the Cherokee Nation within the time specified in the treaty of 1866; also testimony as to whom your wife's father belonged to before the war. A copy of the Department's letter has this day been forwarded your attorneys, Kimball & White, Washington, D. C.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 344 and D 347

Muskogee, Indian Territory, May 7, 1904.

Kimball & White,

Attorneys for James Martin, et al.,

Washington, D. C.

Gentlemen:

In the matter of the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 10, 1903, rejecting the applicants.

In accordance with the instructions contained in the Department's letter, the applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony tending to show whether or not they or their father, Joshua Martin, returned to the Cherokee Nation after the war within the time specified in the treaty of 1866; also testimony as to whether or not the said Joshua Martin was the slave of a Cherokee citizen befpre the war.

For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. V-27

Commissioner in Charge.

Cherokee Freedmen
D 344 and D 347

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir;

In the matter of the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 10, 1903, rejecting the applicants.

In accordance with the instructions contained in the Department's letter, the applicants have this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony tending to show whether or not they or their father, Joshua Martin, returned to the Cherokee Nation after the war within the time specified in the treaty of 1866; also testimony as to whether or not the said Joshua Martin was the slave of a Cherokee citizen before the war. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith inclosed a copy of the

Department's letter above referred to.

Respectfully,

Encl. V-26

Commissioner in Charge.

Cherokee Freedmen

D-344 D-347.

Muskogee, Indian Territory, August 8, 1904.

William H. White,

Attorney for James Martin, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Dear Sir:

In accordance with your request of July 30, there is herewith inclosed a copy of the supplemental testimony taken before the Commission at Muskogee, Indian Territory, on May 24, in Cherokee Freedmen D-344, John Martin, and Cherokee Freedmen D-347, Howard F. Watson, et al. There is herewith inclosed a blank form of receipt for said testimony, which you are requested to sign and return to the Commission.

Respectfully,

Encl. S-22.

Commissioner in Charge.

COPY.

Cherokee Freedman
D-347.

Muskogee, Indian Territory, January 24, 1905.

Kimball & White,
Attorneys for Howard F. Watson,
Columbian Building, 416 5th St., N. W.,
Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for the enrollment of Howard F. Watson as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-118.
Register.

COPY.

Cherokee Freedman
D-347.

Muskogee, Indian Territory, January 24, 1905.

Howard F. Watson,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorneys, Kimball & White, Washington, D. C.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Encl. L-39.

Register.

COPY.

Cherokee Freedmen
[illegible] et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Marlin, Nellie Phillips, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Morris, Abbeanther Chuggett, [illegible] Martin, Eliza Martin, John H. Barnes, [illegible] Lewis, George Brown, [illegible] F. [illegible], Jack McDonald, Maude [illegible], George [illegible], Sr., [illegible], [illegible] Thompson, Louis Scott, Ary Scott, [illegible], Thomas J. [illegible], Louis Vanderford, John L. Dodd, Katie [illegible], Charles Williams, John T. Rose, Jane Martin, Lena Peterson, Alex Johnson, [illegible] Vann, [illegible] Scott, Nancy [illegible], Charles W. [illegible], [illegible] Scott, [illegible], Susie Johnson, Alfred P. Hughes, Minnie Vann, Freddie Lowery, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Norma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Dockson, James P. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mesir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Tuck, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Shroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The notice of the

[illegible] will be [illegible] to you as [illegible] as the [illegible] is [illegible] of the [illegible].

[illegible],

(SIGNED). Tame Bixby.

[illegible].

Incl. X-6.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Milden, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Wallie Fields, John Kimbo, William S. Madden, Jane Smith, Albert T. Thomas, Mary Campbell, Caroline Daniels, Nelson Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Ellen Martin, John K. Barnes, Bell Davis, Samuel Brown, Howard F. Wilson, Jack McDonnell, Maude Manley, George Reed, Sr., Buck Lewis, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas N. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lona Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Missie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahulay Ward, Frank D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lorkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Buckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Iaom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-347.

Muskogee, Indian Territory, April 19, 1905.

Mary A. Watson,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorneys, Kimball & White, Washington, D. C. a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-11
Register

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-344-347.

Muskogee, Indian Territory, April 19, 1905.

Kimball & White,

Attorneys for James Martin, et al.,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

Incl. 5-12
Register

COPY.

Cherokee Freedmen

D-344-347.

Muskogee, Indian Territory, April 19, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. 8-13

COPY.

Cherokee Freedmen
D-344-347.

Muskogee, Indian Territory, April 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of James Martin, et al., including the Commission's decision dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby,
Chairman.

Incl. 8-14

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following: Land. 7908-1906.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1908, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Vann Jackson Luther, Cassie Middleton, Mary Marlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mamie Mealey, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Ellen Johnson, Martha Vann, John Scott, Nancy Rose, Charles C. Smith, Susie Colbert, William Scruggs, Susie Johnson, Alfred F. Hopkins, Kizzie Vann, Freddie Looney, Lucy Choutean,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Roma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kamelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mazir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

(COPY)

D. C. 20677-1905.
I.T.D. 2904-1905

W C V
Y M R

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Nila Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Lila Mayfield, Sallie Ritter, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Maiden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John N. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McDonnell, Maude Manley, George Reed Sr., Buck Ladman, Bell Thompson, Lewis Scott, Abe Scott, Kenier Lampton , Thomas K. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Tayler Henry Sykes, Larkin F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett , Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Wasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann Lou peters, Ida Adair, Robert Brown, Allie Chambers Icom Jones , Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney , John Groves, Matilda McWair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Suggter, Mariah Thompson, Ellen Sheppard and Lula Welton.

Reporting in the matter March 21, 1905, the Indian office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-347.

Muskogee, Indian Territory, April 28, 1905.

Howard F. Watson,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-347.

Muskogee, Indian Territory, April 28, 1905.

Kimball & White,

Attorneys for Howard F. Watson,

Columbian Building,

416 Fifth Street, N. W.,

Washington, D. C.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application of Howard F. Watson for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 26, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Lands.
31387-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 4, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by James Martin for himself and Mary A. Watson for herself.

July 10, 1903, the Commission decided adversely to the applicants.

The record shows that the applicants were born prior to the beginning of the war of the rebellion and that they were not slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the war. None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.W.M.

W.

D. C. 48073 COPY COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
WASHINGTON.

J.R.W.
W.C.P.
S.V.P.

I.T.D.
5062-2808
9304--1905.

September 26, 1906.

The Secretary of the Interior.

Sir:

I received by reference of September 19, 1906, the records in the applications of James Martin and of Mary A. Watson for enrolment as Cherokee freedmen. Reference is made to Article IX of the treaty of 1866 (14 Stat., 799), and my opinion is requested--

> Whether, in view of the words "and their descendants" in said treaty, the applicants in this case, born prior to the war of the rebellion, are entitled to enrollment as descendants of their father, a slave of a Cherokee citizen, their mother being a slave of a citizen of the United States.

The question, by its necessary implication, states the fact found by the Commission and accepted by the Department that the applicants were themselves living when the war of the rebellion broke out, and that they are the children of a father who was the slave of a Cherokee citizen and of a mother who was the slave of a citizen of the United States not a Cherokee citizen.

I am of opinion that all former slaves living at the

outbreak of the rebellion made citizens by the treaty are included in the words "all freedmen," to which general class the words "their descendants" have reference as a class taking their rights by succession to and descent from the first class named. The outbreak of the rebellion being the point of time fixed to which the general class has reference, in my opinion it follows of necessity that the words "their descendants" logically and necessarily are limited to persons born after that time, and that a person then living must show right in himself as being included in the first class, and can not establish a right by proof of an earlier descent from one of that class.

Very respectfully,

Frank L. Campbell.

Assistant Attorney-General

Approved: September 26, 1906.

Thos. Ryan
Acting Secretary.

C.C.45073

I.T.D. 5062-1903.
18934-1906.
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JKJr.
W.H.M.

October 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On May 4, 1906(Land 31387), the Indian Office transmitted a report from the Commission to the Five Civilized Tribes dated April 19, 1905, forwarding the record of the consolidated application for enrollment as Cherokee freedmen of James Martin, for himself, and Mary A. Watson, for herself, together with its decision of July 10, 1903, adverse to said applicants.

The Indian Office concurred in the decision of the Commission to the Five Civilized Tribes. A copy of its letter is enclosed herewith.

On September 26, 1906, the Assistant Attorney-General for this Department rendered a decision in reference to this case, which was approved by the Department on the same date, a copy of which is enclosed for your information.

In accordance with said opinion, the consolidated application of James Martin and Mary A. Watson for enrollment as Cherokee freedmen is hereby denied.

The record and accompanying papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

2 enc. & 7 to Ind. Of.

Cherokee F.
F. 344

Muskogee, Indian Territory, October 19, 1906.

James Martin,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior, October 9, 1906.

Respectfully,

H.J.C.

Commissioner.

Cherokee F.
D 344, 347

Muskogee, Indian Territory, October 19, 1906.

William Henry White,

Attorney for James Martin, et al.,

416 Fifth Street N. W.,

Washington D. C.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson, as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 9, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-130.
H.J.C.

Commissioner.

Cherokee F,
D 344, 347.

Muskogee, Indian Territory, October 19, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 19, 1905, rejecting the applications for the enrollment of James Martin and Mary A. Watson, as Cherokee freedmen, was affirmed by the Secretary of the Interior, October 9, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-131.
H.J.C.

Commissioner.

Washington D.C. 8/10/01 Indian Territory, _____ 19

Received of the Commission to the Five Civilized Tribes

one copy of the testimony in Howard G. Watson et al

CED 347

Geo. Henry Shute

Attorney for applicant.

Cher Fr R 865
Trans. from Cher Fr D 353

Cher Fr R 865

B. J. J. 353

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 18 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 18, 1901

Post Office Hayden, I.T.

District Coweseowee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 Name of wife Mayke Manley Age 33

Owners name ..... Citizenship .....

Year —— Page —— No. —— District ——

Parents:

Father Will Bullock - dead. Citizenship .....

Mother Millie Bennett - living Citizenship .....

Names of Children:

2	Etta Manley	Year Kle	Page 151	No 3749	Dist. Cro			15
3	Alonzo "	Year "	Page 151	No 3750	Dist. "			13
4	Harvey "	Year "	Page 151	No 3751	Dist. "			11
5	Freddie "	Year "	Page 151	No 3752	Dist. "			10
6	~~[illegible]~~ "	Year "	Page 151	No 3753	Dist. "			8
7	Howard "	Year ——	Page ——	No. ——	Dist. ——			7
8	Jessie "	Year ——	Page ——	No. ——	Dist. ——			3
10.		Year	Page	No.	Dist.			
11.		Year	Page	No.	Dist.			
12.		Year	Page	No.	Dist.			

Application made by No 1 Stenographer M. O. Green

2 Ch K.B. pole ∞ Eddie Manley

3 " " " " " Alonzo " Jr.

6 " " " " Fred "

7 and 8 affidavits of birth, ~~[illegible]~~ marriage certificate attached.

Mellett and Smith, Attys for applicants.

[illegible] Ferry
May 12-84

Mr Sam Webber
Cooleys Bluff - IT -

Dear Sir

Rob Rogers and Austin Rogers have never sent me the money for the books I sold them - Please have them send it to this place in the inclosed envelope - If they cannot get bills they can send postage stamps

Austin Rogers $1,20
Rob Rogers 1,20

Please Remember me kindly to all the friends

Yours Truly
John Cassell

June the 23 1857
marriage certificate this
certifies that manly c
ation of the people
alion and Mand
Wilcox

of Surry and C
were by me
holy estate of mat
rimony
minister of the gospel
S. M. Weller
Witnesses
Sarah

SUPPLEMENTAL: D 353

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 28,1901.

In the matter of the application of Maude Manley for the enrollment of herself and children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge she testified as follows:

Q Give your full name please? A Maude Manley.
Q You applied for yourself and children at Ft. Gibson did you not? Or Vinita? A Vinita.
Q Your maiden name was Bullock was it not? A Yes sir.
Q Give me please the names of some of the members of your family, that is of the Bullock family? A Well, my father's name was Kit Bullock.
Q Well, any other members of the family? A My brother's name was Charley.
Q Well? A Theate isn't any only just brothers of us.
Q Give me one or two of them? A Clad Bullock, he is in this country
Q Is that all? A That's all there is of us, yes sir.
Q Is there any one in your family named Jack Bullock? A No sir.
Q Or Fay? A No sir.

Commissioner: It is found in Commission case 1544 that the Maude Bullock therein referred to was a daughter of B.H. and F Reed, and not of the family of the applicant, consequently, she is not identified as being a party to the proceedings in this case before the Commission in 1896.

It is found also in case of the Commission 3735 of 1896 that the Maude Bullock therein referred to is the same one as shown by the family association, as that one referred to in the case 1544, and therefore the applicant is not identified as a party in the proceedings in either of these cases before the Commission in 1896; this will be filed as additional testimony in the case cited, Cherokee Freedman D 353, and attention will be called to it on the card.

-----*****-----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 29,1901

Breckinridge

Commissioner.

CHEROKEE FREEDMAN. 20 #353

IN RE

Application for Enrollment of

INFANT CHILD

Howard Manley

as a citizen of

CHEROKEE Nation.

Approved, JUN 1 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 10 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,
of Howard Manley (Here insert name of child) born on the 7 day of April, 1894
Name of Father: Alonzo Manley, a citizen of the Cherokee Nation.
Name of Mother: Maude Manley, a citizen of the Cherokee Nation.
Post-office, Hayden I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, Maude Manley, on oath state that I am 33 years of age and a citizen, by Adoption, of the Cherokee Nation; that I ~~am~~ was the lawful wife of Alonzo Manley, who ~~is~~ was a citizen, by adoption, of the Cherokee Nation, that a male (male or female) child was born to me on the 7 day of April 1894 that said child has been named Howard Manley, and is now living.

Mrs Maude Manley

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 31 *day of* May 1901.

Louis T. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, Maria Hayden, a midwife, on oath state that I attended on Mrs. Maude Manley, wife of Alonzo Manley, on the 7 day of April, 1894 that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Howard Manley

Maria her X mark Hayden

WITNESSES TO MARK: (Must be Two Witnesses)
~~Lu~~ T. Baine.
Mrs Maude Manley

Subscribed and sworn to before me this 31 *day of* May 1901.

Louis T. Brown
NOTARY PUBLIC

CHEROKEE FREEDMAN. 20 B 353.

IN RE

Application for Enrollment of

INFANT CHILD

Jessie Manley

as a citizen of

CHEROKEE Nation.

Approved, JUN 1 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 10 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Tessie Manley (Here insert name of child) born on the 4 day of June, 1898

Name of Father: Alonzo Manley, a citizen of the Cherokee Nation.

Name of Mother: Maude Manley, a citizen of the Cherokee Nation.

Post-office, Hayden I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Maude Manley, on oath state that I am 33 years of age and a citizen, by adoption, of the Cherokee Nation; that I ~~am~~ was the lawful wife of Alonzo Manley who ~~is~~ was a citizen, by adoption, of the Cherokee Nation, that a female (male or female) child was born to me on the 4 day of June 1898 that said child has been named Tessie Manley, and is now living.

Mrs Maude Manley.

WITNESSES TO MARK (Must be Two Witnesses)

Subscribed and sworn to before me this 3 *day of* June *190* 1.

Louis T Brown
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

Rhoda Thompson a midwife, on oath state that I attended on Mrs. Maude Manley formerly wife of Alonzo Manley on the 4 day of June, 1898, that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Tessie Manley

Rhoda her x mark Thompson

WITNESSES TO MARK: (Must be Two Witnesses) A. V. Jones, Mrs Maude Manley.

Subscribed and sworn to before me this 4 *day of* June *190* 1.

Louis T Brown
NOTARY PUBLIC

Nd FD.353

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this..... day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of SEP 18 1901 1901.

Mellette Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1901
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Manda Mauley for enrollment as a Cherokee Freedman:

Case No. F. D. 353

To Manda Mauley or Mellette & Smith her attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on the following dates, to-wit: Oct. ~~Six~~ 5th o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of, 1901.

D. Dell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

F. D. 353

1.

FD 353

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this..... .....
day of..... A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 5 day of Feb 190 2

Hellellsmith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 6 1902

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Maude Manley for enrollment as Cherokee Freedmen:

Case No. F. D 353

To Maude Manley or Mellette & Smith her Attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

N. M. Hastings

Attorneys for the Cherokee Nation.

F.D353

9

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 12 1902

"R"

C F D 353

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Maude Manley, et al, for enrollment as Cherokee Freedmen:

Appearances:
Mellete & Smith, Vinita, I. T., for applicants;
James S. Davenport, for the Cherokee Nation.

TESTIMONY IN BEHALF OF CHEROKEE NATION.

ELIZABETH DAVIS, being sworn and examined, testified as follows:

Examined by James S. Davenport:

Q What is your name ? A Elizabeth Davis.
Q Where do you live ? A Fort Scott, Kansas.
Q How long have you lived there ? A I went there in the fall of '63, and have lived there continually ever since.
Q Where had you been living before you went there in '63 ?
A In the Territory here.
Q Near what place ? A Between here and the falls on the Arkansas river.
Q Do you mean Webbers Falls ? A Yes sir.
Q You went to Fort Scott, Kansas, in the fall of '63, during the war ? A Yes sir.
Q And have lived there continuously since that time ?
A Yes sir.
Q Do you know of a man by the name of Alonzo Cullen or Manley, a colored man ? A Yes sir. I knew his step-mother before I went there.
Q After you went there did you get acquainted with him ?
A Yes sir. His name was Cullen Manley, and he went by the name of Cullen, and the children went by the name of Cullen.
Q Do you know if he had any children ? A Yes, he had two, one named Alonzo, and one I can't remember the ~~xx~~ name.
Q Do you know whether or not Alonzo ever married ?
A Yes sir, he was married there in Fort Scott.
Q Do you know whether or not he had any children ?
A He had one boy child they called Joe.
Q When did you first get acquainted with Cullen Manley ?
A When I went to Fort Scott in '63. By knowing his wife I got acquainted with him. I had known her before going there.
Q You say you had known his wife before going there ?
A Yes sir. She belonged to Peter Hilderbrand.
Q Do you know whether or not that wife is living; the wife of Cullen ? A No, she died there in Fort Scott.
Q Was she the mother of Alonzo ? A No, she was his step-mother; she was the mother of Fred.
Q What was Cullen doing, if you remember ?
A He was trading horses for a man by the name of Kirkendal, who kept race horses.
Q That was in '63 or '64 ? A Yes sir, in '64.
Q How long did he live there when you were living in Fort Scott when you learned to know him ? A From that time up until 1870. He didn't leave there earlier than that, and maybe later.
Q Did his family live there with him ? A Yes sir.
Q After his wife that you knew died, did he re-marry ?
A No sir, she broke up there pretty soon after she died.
Q Alonzo was his son by a former wife ? A Yes sir.
Q Who had belonged to the Hilderbrand's ? A Yes sir.

Q This boy Fred was the son of this woman ?
A Fred was the son of Harriett.
Q She died in Fort Scott ? A Yes sir.
Q Then he continued to live there from the time you got acquainted with him until after the death of his wife ?
A Until after the death of his wife.
Q Till about what time ? A I think Cullen himself left there in 1870, but Alonzo, I don't think he left there earlier than 1872 or '3.
Q Did they have a house there ? A Yes sir.
Q Did they own any property there ? A Yes sir, they owned property. In 1872 their property was sold for taxes and a lawyer there by the name of Hewitt bought it in.
Q How far did they live from where you lived ?
A Just a block east of where I lived.
Q You had an opportunity to see them quite often ?
A Every day.
Q And you had known Fred Manley's mother before she went there ?
A Yes sir.
Q You had lived here in this country quite a while ?
A Yes sir, and I knew nearly all the colored people that went from here up there.
Q You know a great many of the people that still live here ?
A Yes sir.

Examined by Mr. Smith:

Q Where did you go from to Fort Scott ?
A From the Cherokee Nation.
Q How long had you lived in the Cherokee Nation before you went to Fort Scott ? A I don't know just how long; I had been here 15 years probably.
Q When did you go to Fort Scott ? A In '63, in the fall of '63.
Q When did you first know Alonzo Manley ?
A I knew him in '64.
Q How old was he at that time ?
A He was about--he must have been about 18 years old I guess; he was a short chunky boy. He was a boy who was beginning to think himself a young man.
Q What was his father's name ? A Cullen Manley.
Q When did you first know Cullen ?
A About the same time I knew Alonzo.
Q Didn't know either of them in the Nation ? A No sir, I knew his wife though.
Q Cullen's wife ? A Not Alonzo's mother, but Cullen's second wife.
Q What was Alonzo's mother's name ? A I don't know; never knew her.
Q What was his stepmother's name ? A Harriett.
Q Now you say that you knew one son of Alonzo Manley. What was his name ? A They called him Joe. He was a little fellow when I seen him.
Q Where ? A At his house. I went to see him purposely.
Q Where ? A At Fort Scott.
Q What was his mother's name ? A Eliza.
Q What was her name before she married ? A Whitmire.
Q Where did he marry her ? A There in Fort Scott.
Q Was she a colored woman ? A She was a colored woman. A yellow woman; a very pretty woman.
Q When was the last time you saw her ? A I saw her the last time when the baby was small, it must have been about the first part of '72. Along there.

Q IN Fort Scott ? A Yes sir.
Q How old was the boy Joe at that time ? A He was a young baby probably a year old; but I don't hardly think he was that old.
Q Less than a year you would say ? A Yes sir, I think he was less than a year old probably when they left there.
Q When you first knew Alonzo you say he was about 18. How long from that was it until he married ? A He married in '65, I believe. He may have been older than that. I don't know what his age was. He helped his father with the horses.
Q How long did you know him before he married ?
A I knew him in '64, and he was married, I think, in '65. He was married young. His father was very much against his marrying so young when he married.
Q Did Alonzo have any brothers or sisters ?
A He had this one, this half-brother, Freddie.
Q That's all ? A That's all I ever saw or heard of.
Q Had no sisters ? A I never heard of any.
Q Have you ever resided in the Cherokee Nation since the war ?
A No sir.
Q Have you ever been an applicant for citizenship in the Cherokee Nation ? A No sir, I have no right here at all.
Q Did you ever apply ? A No sir.
Q Any of your family ? A No sir.
Q Did you ever claim to have ? A No sir, my brother was a citizen here in the Cherokee Nation.
Q What was his name ? A Hays.
Q Is he a citizen yet ? A No he is dead.
Q His family ? A He left no family; his wife died before he did, and they had no children.
Q Where were you living in the year 1866.
A I was living in Fort Scott.
Q Where do you say Manley was ?
A There in Fort Scott trading horses.
Q Did he marry that year ?
A He was married, I think, in '65.
Q Are you certain about that ? A No, I aint certain about it. I knew that he was married there, and stayed there quite a while after he was married. I know he was there in the first part of '70. I am positively sure he was there then.
Q You can't say whether he was in the Cherokee Nation in November, 1866 ? A Well, he wasn't; he was there in Fort Scott.
Q Who was he working for ? A Kirkendal, the same man his father worked for.
Q Who was Kirkendal ? A He was a man who owned race horses.
Q Were the streets of Fort Scott numbered at that time ?
A No sir.
Q Were they designated in any way ?
A Well, there was Locust street; and Market street; and Main street.
Q Will you tell me exactly where this man lived in November, 1866 ?
A He lived on what they called Plaza, in a house that is torn down and gone now.
Q Who was living in Fort Scott who knew, besides yourself, that this man lived there during 1866 ?
A Well, there's Mrs. Anthony that knows him. A man named Wiley Anderson; Ben Crowl, and several others that knew him.
Q Do you know where this man Alonzo Manley came from when he came to Fort Scott ? A From the Cherokee Nation with his father and mother.
Q What makes you suppose that ? A Because he was a boy living with his father.
~~Q Do you know where his father came from ?~~
Q How do you know where his father came from ?
A Because he married Harriett there before the war, and bought her from her folks. She said so. That's what she told me herself.

Q Well, you didn't know this man Manley at the time the war commenced ? A No sir.
Q Do you know his status, whether he was free then ?
A They didn't belong to anybody. Him and Cullen were free, so they said.
Q Where did you live; what part of the Cherokee Nation ?
A I lived here between here and Webbers Falls on the Arkansas river.
Q How far from Fort Gibson ? A I lived just above where Spaniard Creek empties into the river.
Q How far is that from Fort Gibson ? A I don't know.
Q Don't you know how many miles ? A No sir, I never measured it. I never went up that way, and don't know a thing about it.
Q You haven't any idea how far it was from Fort Gibson ?
A No sir. Never heard anybody say.
Q Where was Alonzo Manley in December, 1866, and January, 1867 ?
A In 1866 he was there, unless he was away somewhere; his family was there anyway.
Q What composed his family then ?
A His wife is all he had.
Q When was Joe born ? A I don't know; sometime along there in the 60s or the first of the 70 s. I don't know exactly when he was born.
Q Don't know what year her was born ? A No sir.
Q You don't know where Alonzo Manley was in the month of December, 1866 ? A No, but he was there I suppose.
Q Just testify as to what you actually knew.
A His wife was there. He was there in '69, because he shot his leg there, and was laid up there for quite a while in '69.
Q You can't state then, of your own knowledge, where Alonzo Manley was in January, 1867 ? A No sir, not any special month.
Q Now the mother of this boy Joe, what was her name ?
A Her name was Eliza Whitmire before her married her.
Q You saw him as late as 1872 in Fort Scott ? A Yes sir. She was there for that long, if not longer.
Q Did you ever know Alonzo Manley after the time about which you have spoken ? A No sir. I know he moved to the Territory. At least they said he did.
Q You never saw him yourself ?
A No sir, I have heard of him several times, but never saw him.
Q Well when were you here; what years ?
A I have been here every year since '71 nearly. Every two years, or every year I would come and visit my brother.
Q Did you never apply for citizenship in the Cherokee Nation ?
A Why no, I had no right to apply for citizenship.
Q Do you know what Alonzo Manley's mother's name was ?
A No sir, I never saw her, nor heard tell of her even.
Q You are here testifying in a number of these Freedmen cases, are you not ? A No, I know a number of them.
Q How many cases did you testify in yesterday ?
Mr. Davenport: I submit that that doesn't make any difference. I don't object to it, however. Give him the number of cases you testified in Mrs. Davis, if you can.
A Three I think.

Examined by Mr. Davenport:

You only testified as to what you knew in these cases ?
A That's all I aim to do.

The Commission: This testimony will be filed in the case at bar, and also in the case of Joseph Manley, Cherokee Freedman No. D 628.

C F D 353 ----5

The authenticated roll of 1880 examined, and the names of the applicants are not found thereon.

The census roll of 1896 examined, and the names of the applicants are not found thereon.

E. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

E. C. Bagwell

Subscribed and sworn to before me this 20 day of February, 1902.

Commissioner.

F. D. 591.
To be filed with F. D. 402.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the preset time is the Republican but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of thispaper in your office? A We are.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home withit, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body andface of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard the call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a mapphallca; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury reurned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS:-I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of thd keys took Jackson Mackey and Henry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty Minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A Hd got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee Darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; hewas in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford befre he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December or '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-381, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1908.

(Seal) (Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans.

Subscribed and sworn to before me this 23rd day of July, 1908.

Notary Public.

GPL 353.

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[illegible] I am [illegible] to [illegible] the [illegible] of [illegible] [illegible] [illegible]

Freedman D-353.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Maude Manley for the enrollment of her children as Cherokee freedmen. Testimony in behalf of applicants.

Applicant represented by Mellette & Smith; Cherokee Nation by W. W. Hastings:

Mr. Smith: State your name? A G. W. Clark.
Q What is your postoffice? A Vinita.
Q How old are you, George Clark? A 59 years old.
Q How long have you lived in the vicinity of Vinita or in the country where Vinita is now located? A I have been in the Cherokee Nation all my life.
Q How long have you lived near Vinita? A 37 years.
Q Are you a citizen of the Cherokee Ntion? A Yes sir, I am.
Q By blood? A Yes , by blood.
Q Did you ever know a man by the name of Alonzo Manley or Alonzo Cullon? A I know Alonzo Collon.
A He afterwards went by the name of Alonzo Manley.
Q The same man? A Yes sir.
Q Where were you during the war? A Stationed at Fort Gibson.
Q When were you mustered out? A The last day of May, 1865.
Q Where? A At Fort Gibson.
Q How long after that before you went up to the country where you now live? A I started there the next day after I was mustered out.
Q Have you made your home up there in the vicinity of Vinita ever since that time? A There on the river ever since that time.
Q Now before you were mustered out when had you seen this Alonzo Cullon or Manley in the Cherokee Nation? A I just can't remember exactly; I saw him off and on during the war one or twice, I don't recollect; I knowed him when I saw him. He went by the name of Cullon then; I knew his father.
Q Where did you see him before you were mustered out? A I saw him there at Gibson and in the fall after we were mustered out.
Q In the fall of '65 after you was mustered out you saw him there in Gibson? A Yes sir.
Q Do you remember whether you saw him at Fort Gibson in '65 before you was mustered out? A I don't recollect, but I think he was here.
Q When had you seen him before this time you saw him in the fall of '65, have you any recollection? A No sir, I haven't.
Q Now, you say you left Fort Gibson and went up in the vicinity of what is now Vinita; did you ever see Alonzo up there? A He come there in the fall of '67 I think or '68; I think it was in '67 he moved up there. He dropped on the place I own now. He had a brother-in-law there by the name of Aleck Johnson.
Q Did he have a family? A Yes, his wife was a colored woman.
Q How long did he live there at this place that he first came to? A I think he stayed there that winter.
Q And then where did he move to? A I don't know.
Q Did you see him from time to time after that? A No sir, I never saw him for a good while.
Q Do you know where he came from when he came to Vinita? A No, I don't know, my impression is that he come from down by Fort Gibson, but I am not positive.
Q Do you know where he lived in the Cherokee Nation after that? Is he living or dead I will ask you now? A He is dead; he died in Cooweescoowee District, on Lightning Creek; he lived on Lightning Creek; I ranched close to him.

3-Maude Manley-

Q Do you remember what time that was? A No, I don't, he was on Lightning Creek when I made that place there. He wasn't living with the same woman then, he was living with a white woman then.
Q Between the white woman and the colored woman did he have another wife? A No sir, Idon't know, I lost run of him.
W. W. Hastings: George, I believe you stated that after the fall of '65 you didn't see anything more of him until either in the fall of '67 or '68 when he come to your place? A Correct.
Q You don't know of your own knowledge where he was in the meantime between those dates? A No sir.
Q If the record shows that he was in Fort Scott between that time you don't admit to dispute that? A No sir, I don't know; I know he came at that time and located at the place where--log houses were on the place-- I am located now.
Q That was in '67 or '68? A Yes sir.

The undersigned, being duly sworn, states that as stenographer to the Comission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

C. R. Rothenberger

Subscribed and sworn to before me this 14th day of June, 1902.

J. G. Rustin
Notary Public.

COMMISSIONER
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Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Maud Manly, D 353;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

FILED
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COMMISSION TO FIVE TRIBES.

C. F. D-353.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 25, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of MAUDE MANLEY, ET AL., as Cherokee Freedmen.

Appearances:
Preston S. Davis, Attorney for Applicants.
L. B. Bell, Attorney for Cherokee Nation.

L. B. BELL, being first duly sworn on behalf of applicants, testified as follows:

MR. DAVIS: State your name? A L. B. Bell.
Q How old are you? A Sixty-five years old.
Q You reside at Vinita? A Vinita is my post office.
Q Were you acquainted with Alonzo Manley in his lifetime? A Yes sir, I knew one Alonzo Cullen, or Manley. I first knew him as Alonzo Cullen.
Q Afterwards you knew him as Alonzo Manley? A Called him that since the war.
Q You remember seeing Alonzo Cullen or Manley in the Cherokee Nation before the war broke out? A Yes sir, I saw him.
Q Do you know whether or not he was a freee colored person before the war? A When I saw him he was supposed to be a slave. She was the mother of two or three other children besides him, he was the youngest. These negroes were divided out amongst the folks that was heirs of the Sanders' estate, or whoever it was, and an old man by the name of Miller, lived in Texas, his wife got Alonzo, he was a small boy then. They started to Texas with him, and Cullen, that's his father, a free negro that lived in the country here, a horse trainer, had him taken charge of under habeas corpus proceedings in the federal court at Van Buren, and the court set the boy free; and then Cullen, I understand, went back to Fort Gibson. I never saw Alonzo until after the war.
Q You say his father was a free colored person? A Yes sir, Cullen was a kind of free negro living in this country.
Q And they habeas corpused this boy and he was discharged by the court on habeas corpus proceedings? A That's the understanding.
Q He was discharged on the ground that he was free before the war? A Yes sir, it was said that there was a whole family of free niggers, that is, there were two of them in the country, and it was talked about that they were free negroes and had been put in the hands of someone to raise up when they were small children, and they grew up and lived there. That woman had three or four children as slaves.
Q Do you know what became of the records of that court? A No sir, we have tried to get some of the records of that court, but they say it was burnt up.
Q Court house and contents? A Yes sir.
Q It is generally understood that the courthouse and contents burnt? A Yes sir, that is my understanding.
Q Do you know what business or trade Alonzo followed when he was small, what he did? A No, I don't, I have only heard. I suppose his dad was going to make a rider out of him.
Q His father was a race horse man here at Fort Scott, I understand. I never saw him there. I knew him very well. He stayed at our house. He had one of his wives at our house, that is, he had the other one down in Flint District. I think he had him a wife everywhere there was a race track.

BY COMMISSION: Did you know this Alonzo Cullen at the commencement of the war? A I will just state, yes, that was before the war. He was taken away from those folks by habeas corpus proceedings at Van Buren. That's where the Federal Court was located at that time, for the Western District of Arkansas. There was a race track at Fort Gibson, and he made his home there, and I guess that's where he took Alonzo.
Q You don't know where he was at the commencement of the war?
A No sir, I don't know where he was at the commencement of the war.
Q It is your understanding that before the war he was a free colored boy? A Yes sir, after the declaration of the court. I understood him to be a slave up to that time. I lived right down there, and moved off up to Beatty's Prairie, and after that they divided the negroes. Alonzo was set free by the Federal Court, but whether they ever brought him back into the Nation or not is a question. I don't know.

LOONEY GLASS, being first duly sworn on behalf of applicants, testified as follows:

MR. DAVIS: State your name, age and post office address?
A Looney Whitmire, that's the way they have me on the roll.
Q What other name do you go by? A Looney Glass.
Q How old are you? A Close to forty-seven, I reckon, I don't know my age exactly.
Q Your post office? A Hayden.
Q Did you know Alonzo Manley in his lifetime? A Yes sir.
Q Was he any kin to you, either by blood or marriage?
A He was a brother-in-law of mine.
Q He married your sister? A Yes sir.
Q Do you know whether or not Alonzo Manley was in the Cherokee Nation, or returned to the Cherokee Nation, on July 19, 1866, or within the year 1866? A Yes sir.
Q Where were you living at that time? A Tahlequah.
Q In town or in the country? A In the country, about six or seven miles southeast.
Q Of Tahlequah? A Yes sir.
Q Where do you first remember seeing Alonzo at that time? A He came there where I was living, on Illinois River at my grandmother's.
Q What time of the year was this? A This was along about the first part of the fall.
Q How do you know it was the year 1866, how are you able to fix that time? A I heard my mother and grandmother, they were rejoicing when they all come back there, home. I understood at that time they came back in '66, and I heard it ever since.
Q How long did Alonzo stay at your grandmother's when he first came in? A Two or three weeks.
Q Then what did he do? A Went on across the river and took him a claim.
Q Make him a place? A Yes sir.
Q How long after that before he married your sister? A He had married her when he come down. They was already married when he come
Q Married before he came down? A Yes sir.
Q Did she come on with him? A She came on a little ahead.
Q Do you know where they were living when their first child was born?
A They was there close to o ld Joe Spears' place
Q How far from Tahlequah was that? A Seven miles.
Q In the nation, were they? A Yes sir.
Q What was the name of their first child? A Joe Cullen, or Manley.

Q Did Alonzo go by the name of Cullen? A Yes sir.
Q Is that the same person, Alonzo Cullen and Alonzo Manley?
A Yes sir.
Q Do you know how old this son of was is, that was born down there?
A He must be about thirty-seven years old, somewheres along there, I don't know just exactly.
Q Do you know what year he was born in? A Born in '66.
Q When was he born, in reference to the time that you remember Alonzo coming back, how long after he came back? A He was born just a little before he come, a month or so.
Q In other words, as I understand, his wife, your sister, came down first, and she was at that time in a family way, was she? A Yes sir
Q This child was born a short time before Alonzo got down here?
A Yes sir.
Q In the fall of that same year? A Yes sir, in the summer like.
Q Have you known Alonzo ever since that? A Yes sir.
Q Did he ever leave the Nation to make his home anywhere else?
A No sir.
Q Did you know him when he died? A Yes sir.
Q Where was he living then? A Over here on Lightning Creek.
Q Were you able to keep track of the years, and know whether it was '69 or '70 or '71, were you able to keep up with the years yourself as they went along, at that time? A Not exactly.
Q You couldn't keep it up? A No sir.
Q Are you able to do that now? A Yes sir, I can do it now.
Q Have you secured some little education? A After I was grown I learned how to keep account a little, by writing my name. I didn't go to school, I just took that up.

BY COMMISSION: Do you know where Alonzo Manley was living at the commencement of the war? A No sir.
Q You didn't get acquain ted with him until right after the war?
A Right after the war.
Q Has he resided continuously in the Cherokee Nation since the close of the war up to his death? A Yes sir.
Q These children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie, were they all born in the Cherokee Nation? A Yes sir.
Q Have they lived their all their lives? A Yes sir.
Q Were they all the children of Alonzo Manley? A Yes sir, so said to be.

MR. BELL: When did you come back to the Cherokee Nation?
A Come back in '66.
Q Where did you start from? A Choctaw Nation.
Q What time did you come? A Come along in the early part.
Q In the spring? A Yes sir.
Q Make a crop here? A Yes sir, made a kind of a oittle crop, with a fence around it.
Q Where did you settle? A Next to the old Joe Spears place. The place that we settled on was called the old uncle Daniel Sanders place, theplace that he owned before the war, and he went back to it.
Q Who livedthere when you got there, near there? A Nancy Spears and George Spears. They wasall the Cherokees lived close there, they was about half a mile north of us.
Q When did Alonzo marry your sister? A I don't know, they must have married in '65, but I don't know.
Q You wasn't took north then? A No sir.
Q When did your sister return? A She came in '66.
Q What time of the year? A Aleng in the summer.
Q After you had got back? A Yes sir.
Q Who come with her? A She came with her mother.

Q With her mother? A Yes sir.
Q That was your mother? A Yes sir.
Q Just those two? A Yes sir.
Q Nobody else? A No sir, she went up after her and came down. We all came to Gibson, and she went up and got her and come back.
Q When did Alonzo come? A Alonzo come shortly afterwards, a month or so.
Q How long did he stay here when he came? A He has been here all the time.
Q Did he just come here and locate then? A Yes sir, he located there. He only stayed there about two or three weeks, and went to the other side of the river and located him a home, on the other side of Illinois River, between Tahlequah and the river.
Q You was living -- A I was living with my grandmother.
Q Across the Illinois River? A Yes sir.
Q Did he make him a place? A He made a little log hut.
Q How long did he stay there? A Not very long.
Q Where did he stay? A He was just traveling all the time, he didn't stay very long one place.
Q I thought you said he located him a home? A Yes sir, he did.
Q He just put up a claim and left it? A Yes sir.
Q Didn't he go right back to Fort Scott? A No sir, not as I know 6
Q Don't you know he did? A No sir.
Q Don't you know he was in Fort Scott all of '67? A No sir.
Q Tell me where he was in '67? A He come back there where his wife got killed. I suppose he was living right there in '67.
Q Living where? A Right there, right close, I think it is about a mile below where they always have the picnics, at the big spring.
Q That place where they built the foundation? A Yes sir.
Q I thought you said he just put up a few logs and left it?
A He came back.
Q How come her to get killed? A I don't know.
Q Somebody killed her? A Bud Nave killed her. He had been drinking, I guess.
Q When was she killed? A I don't remember. It must have been '74 or '75, I don't know the date, somewheres along there.
Q It was years after you came back, six or seven years?
A Yes sir, quite a little bit.
Q I want to know where he was in '67? A I know he was down there around Tahlequah.
Q Where was he living? A On this side of the river.
Q When did he build the house there and live in it? A He took a claim.
Q He just put four logs up and called it a claim? A He built it.
Q When? A Along in the fall.
Q Fall of what? A '66.
Q He didn't get there until the fall of '66? A He got there in the first part of the fall, I said the first part.
Q You come in the spring? A Yes sir.
Q Your mother went on up and brought your wife (sister) down, then in a month or two he came, in the fall he come, and went there and made a claim and went somewheres, is that right? A He built the house in t e last of the fall.
Q When did he move into it? A That winter some time.
Q Wasn't Cullen a race rider, Alonzo? A That's what they said he was.
Q Didn't he ride a famous race in '67? A I don't know.
Q Didn't he go right up there in January and ride in Fort Scott?
A I don't know.
Q But you do know he was seven miles from Tahlequah?
A Yes sir, I saw him.

Q Then you know he wasn't at Fort Scott? A I didn't say, just said one part of the time he traveled back and forth. I didn't claim he just stayed right there.
Q If he built the house he must have been right there? A He could have built the house and come again.
Q You think he went up to Fort Scott, do you? A I don't know.
Q You don't care? A No, it wasn't any of my business. Of course I didn't keep track of him.
Q Then you don't know whether he was up in Fort Scott in '67 or not, do you? A No sir, I don't.
Q You don't know whether he was in Tahlequah all of '67 or not?
A I don't know whether he was there very much.
Q Name some one month when he was there. A I told you he was there
Q I know. When was that he was there? A He was along there in the spring of '67.
Q I thought you said he was right in his house in the winter. That would be along in January or February? A yes sir, in the spring too.
Where was he in January and February? A I don't remember the dates exactly.
Q Let me ask you, where was he the Christmas of '66?
A The Christmas of '66, I disremember.
Q You don't know? A No sir.
Q You are certain he wasn't down there to Tahlequah?
A I don't know.
Q Was he in Fort Scott the Christmas of '66? A I don't know.
Q Was he down there with his wife Christmas of '66? A. I disremember whether he was there or not.
Q You don't know a great deal about him, do you? A Ought to.
Q You don't know much about his whereabouts in '66,'67 and '68?
A I don't know.
Q He didn't bring his wife down there? A No sir, he didn't.
Q He come how long after she came? A About a month, I wouldn't be positive.
Q You don't really know thatm he come until the winter, you are not positive? A He came before winter.
Q He built a house, how long after the foundation was laid until he built the house? A He built his house shortly afterwards.
Q What do you mean by that? A Probably a month or such matter, maybe two or three weeks.
Q How long did he stay with your mother before he went across the river to make his claim? A Two or three weeks, as near as I can recollect.
When he made his claim what did he do? He went off somewheres, did he? A Yes sir, he went off.
Q How long was he gone? A Not very long.
Q Gone two or three weeks? A I disremember.
Q Two or three days, or two or three weeks? A I couldn't say.
Q How long did he stay with your mother before he went bo building his house? A He was there two or three weeks.
Q Then he was two or three weeks more building it? A He was locating a claim.
Q He went off and was gone two or three weeks and come back, how long did he stay with your mother then? A I don't remember of him staying there long.
Q You don't recollect of him coming back at all? A Yes sir.
Q Where was you? A On the Illinois River.
Q How did he come there, on foot or horseback? A I don't know.
Q Did he have a wagon and team? A No sir.
Q How did he get the logs to build his house?
A He got a wagon and team from grandmother.

Q You have got him down for about three or four months after he come that will marry him in January? A He was right there in January.
Q Was he? You don't know whether he was there in the month of December, Jan uary or February or not, do you? A I disremember whether he was there in December or not.
Q Was he there in January? A I think so.
Q Was he there in February or March? A He was there in the spring
Q In February and March? A Yes sir, I think he was there in March, I am satisfied.
Q Do you know anything about it? A He was there in March.
Q What time in March? A It must have been along about the 1st of March.

MR. DAVIS: You don't pretend to say but what Manley might have gone up there to Fort Scott and come back? A He might.
Q Has he made his home outside of the Cherokee Nation, anywhere else, to your knowledge? A No sir.
Q Gone any considerable portion? A Go up and come back.
Q You have seen him off and on? A Yes sir.

JOSEPH MANLEY, being first duly sworn on behalf of applicants, testified as follows:

MR. DAVIS: State your name. A Joseph Manley.
Q How old are you? A Thirty-six years old last birthday.
Q When was your birthday? A The 7th of last October, 1902.
Q You will be thirty-seven years old the 7th of this October,
A Yes sir.
Q What is your post office? A Hayden, I. T.
Q What was your father's name? A Alonzo Manley.
Q Where were you born, Joe? A I don't know, sir, said to be I was born at Tahlequah.
Q Right in Tahlequah or near Tahlequah? A Near Tahlequah, not in the city.
Q Have you always understood you were born down near Tahlequah in the Cherokee Nation? A Yes sir, that is my understanding.
Q Since you have been big enough to remember, has Alonzo Manley, your father, did he at any time leave the Cherokee Nation and make his home anywhere else? A Only when themarshals ran him out. He got into some trouble once and they got after him and he went out a little while.
Q Did his family remain here? A Part of us.
Q From that time, outside of that, did he ever leave, pack up, move, or go somewhere else to live? A No sir, not as long as I have ever lived here. Since I could recollect my right hand from my left he was at Tahlequah, from Tahlequah to Grand River, and from Grand River to Lightning Creek.
Q You have lived up there all the rest of your life? A Yes sir.
Q Alonzo died up there? A Yes sir.
Q That is the father of these children that are mentioned in this case? A Yes sir.
Q They were born while h e was living with his wife? A Yes sir.
Q He died there at home? A Yes sir.

MR. DAVENPORT: Where were you living when you can first remember?
A Tahlequah.
Q Your father's name was Alonzo Manley? A Yes sir.
Q And his father, do you remember what his father's name was?
A His given name was Cullen, and his surname was Manley.

Q Do you know whether or not Cullen Manley had more than one son named Alonzo? A He only had one that I know of. If he had an other he never said anything about it. Of course he had some relations. I think there is one named after my father.
Q Did you ever live at Fort Scott , Kansas? A No sir, not as I know of.
Q You was born in what year? A I was born in '66.
Q You never stayed with your father after you was born, then, did you? A After I got up pretty good size boy, probably eight years, I stayed a great deal with my grandmother, but I don't know how about my babyhood.
Q Were you living with your father or your grandmother in 1870?
A I couldn't say positively whether I was living with my grandmother in 1870 or not. I am positive I was with her off and on.
Q Where did your grandmother live in 1870? A She lived at Tahlequah. That is, I am not positive, because I was young at that time, but since I could know my right hand from my left I have lived at Tahlequah.
Q In 1872, where were your grandmothe and grandfather living?
A I am positive it was at Tahlequah.
Q You, of course, don't mean to swear from positive knowledge that you was born in the Cherokee Nation? A I didn't swear where I was born at all. I just said what I was told. I swore that.
Q Your mother died when you was a small boy? A I was about eight or nine years old. She got killed.
Q Did you everknow Eliza Davis, that lived at Fort Scott, Kansas?
A I don't believe I do.
Q Where did your grandfather ever move to from the Cherokee Nation, if he ever left it? A I don't know, he died here on Lightning Creek.
Q He died in the 70s or 80s? A I suppose it was near 1880.
Q Can you remember when your grandfather lived at Fort Scott, Kansas
A No sir.
Q Did you ever visit them while he livedthere? A I never have been out any further than Oswego in my life.
Q You were born at Fort Scott? A I don't know.
Q You never heard your father say? A I never heard him say I was born at Fort Scott.
Q Your father lived with his father in Fort Scott, Kansas, in 1870, didn't he, as far as rumor goes with you? A Imwas quite young then. I wouldn't say positively, I would say this, '75, no more than '77.
A I think you are right about that. From '73 on they all moved down here.

MR. BELL: Where did your father marry Maude Manley, in the Nation?
A I don't know whether he married at all. If he marries at all he married her in the Nation, on Big Creek. That is where they claim they went to get married.
Q She was living in this country? A Yes sir.
Q Didn't they move up to Oswego and live for years? A No, not since he hasmarried her he has not lived outside the Cherokee Nation a day with her, I don't think.

MR. DAVIS: Have you any remembrance at all of ever being in Fort Scott when you was little, any remembrance of the city, the buildings or anything of that kind? A No sir, none whatever.
Q You say you were always given to understand you were born down here to Tahlequah in the Nation? A Yes sir.

MR. BELL: Who give you to understand that? A My grandmother, my mother, and my father.
Q I thought you said your father never talked to you about being born? A About being born in Fort Scott.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and t hat the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 29th day of October, 1903.

Edward Merrick.
Notary Public.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes.

In the matter of the application for the enrollment of Etta Manley et al as Cherokee Freedmen.

Cherokee F D. 353.

Protest of the Cherokee Nation.

The Cherokee Nation respectfully protests against the decision of the Commission to the Five Civilized Tribes rendered in the above entitled case on March 5th 1904..

Respectfully,

W W Hastings

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

In the matter of the application for the enrollment of Etta Manley et al as Cherokee Freedmen

Cherokee F. D. 353.

Motion to Reopen Case.

Comes now the Cherokee Nation and moves to re-open the above entitled case for the purpose of introducing the testimony of Lydia Parton heretofore taken in the case of Elizabeth Reigs F. D. # 391 which shows that on May 13, 1902 at the time she testifiedin said case that she was county Clerk of the county in Kansas in which Fort Scott is located and introduced files of the official paper of the county of December 1866 up to and including March 1867 which files were officially kept and ~~xxxxxx~~ from which a detailed account was given of the testimony taken before a coroner with reference to the murder of Dyer Hayford on December 26, 1866; said Testimony shows that Alonzo Cullen father of the applicants in this case was a witness in the case, was called to testify and which conclusively shows that the said Alonzo Cullen, also known as Alonzo Manley was a resident of Fort Scott, Kansas and thereby conclusively corroborrates the very intelligent detailed statement of Elizabeth Davis who testified in this case on February 18, 1902 to the fact that she knew Alonzo Cullen also known as Manley; that she knew his family intimately; she knew each of his children; that she knew his wife; she knew where he resided and that he resided only a short distance from witness. If her statement be true which we think this testimony conclusively shows the applicants father was not in the Cherokee Nation as testified by witnesses for applicants within the time prescribed by the treaty.

The testimony of Elizabeth Davis is so clear and reasonable in all of its details and she knows so intimately this family that we

feel thoroughly convinced that these applicants arenot entitled to be enrolled as citizens of the Cherokee Nation and we therefore earnestly protest against their enrollment as Cherokee Freedmen and most earnestly urge that this case be reopened and the Cherokee Nation be given an opportunity to introduce this very important testimony in this case.

Respectfully,

W W Hastings Jr

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Etta Manley et al
for enrollment as citizens of the Cherokee Nation.

No. 4 D 35 3

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

AFFIDAVIT TO SHOW SERVICE.

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, ~~I.C.~~ J. Starr, who being by me first duly sworn on oath states, that his age is thirty ~~two~~ three years and that his postoffice is Vinita, Indian Territory, and that on the 11 day of April 1904 he deposited in the United States postoffice at Vinita IT an envelope containing a true copy of the instrument hereto attached, and he hereto attaches the receipt of the postmaster at said postoffice showing that he received said package to be duly registered and mailed to Maude Manley, Mother of applicants whose postoffice is Hayden Indian Territory, ~~and attached to this affidavit is the registry return receipt duly signed by the applicant showing that said envelope containing a true copy of the instrument hereto attached was received by the said applicant.~~

J. Starr

Subscribed and sworn to before me this 11 day of April 1904

J. Starr
Notary Public.

Cherokee Freedmen D-353.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Etta Manley et al., as Cherokee freedmen.

STATEMENT AND ORDER.

On March 5, 1904, this Commission rendered its decision in the above entitled case enrolling said applicants as Cherokee freedmen. Thereafter the Cherokee Nation made application, for cause shown, to reopen said case and introduce the evidence of one "Lydia Barton, heretofore taken in the case of Elizabeth Meigs, Cherokee Freedmen D 391."

Said cause being adjudged sufficient, it is ordered that said former decision be set aside and the motion to reopen is hereby granted, for the purpose of introducing the evidence set out therein.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
April 21, 1904.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen.
Cherokee Freedmen D-353.

DEPARTMENT OF THE INTERIOR ,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Etta Manley, et al., for enrollment as Cherokee Freedmen, consolidating the applications of--

Etta Manley et al.,	Cherokee Freedmen D-353
Ella Whitmire,	Cherokee Freedmen D-433,
Becky Webber,	Cherokee Freedmen D-435
Lewis Webber,Sr., et al.,	Cherokee Freedmen D-554,
Joseph Manley, Sr., et al.,	Cherokee Freedmen D-628,
Robert Webber, et al.,	Cherokee Freedmen D-630,
Sam Webber,	Cherokee Freedmen D-663,
Josh Webber,	Cherokee Freedmen D-691,
Sidney West,	Cherokee Freedmen D-564,
Sabra McQueen,	Cherokee Freedmen D-132,
Sarah Chatman, et al.,	Cherokee Freedmen D-678,
Susie Webber (Whitmire)et al.,	Cherokee Freedmen D-680,
Eliza Rogers,	Cherokee Freedmen D-950,

-1-

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for himself and wife, Ella Whitmire, but as the said Walter Whitmire is classified differently from the other applicants herein, he will not be embraced in this decision; by Becky Webber for herself; by Lewis Webber, Sr., for himself and minor children, Lewis, Jr., Cora, Floyd and Beulah Webber; by Joseph Manley, Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph, Jr., and Willie Manley, and that subsequent to the filing of the original application , an affidavit which is made a part of the record herein, was filed with the Commission, showing the birth of Daisy Manley on March 24, 1902; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself and wife, Mary Webber (by intermarriage); by Sidney West for herself; by Sabra McQueen for herself; by

Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber; and by Eliza Rogers for herself. As the status of intermarried citizens is not at this time fixed, the rights of Maude Manley and Mary Webber to enrollment as Cherokee Freedmen by intermarriage will not now be passed upon. It appears that since filing her original application herein the said Susie Webber was, on April 21, 1902, married to one Isaac Whitmire, and she will now be listed for enrollment as Susie Whitmire. The testimony taken in the cases of Aaron Webber, Cherokee Freedmen D-216, Joe Ross, Cherokee Freedmen D-350, Elizabeth Meigs, Cherokee Freedmen D-391, and Samuel Beck, Cherokee Freedmen D-775, is filed with, and made a part of the record herein. The record further shows that on January 2, 1904, this Commission rendered its decision, enrolling said Sabra McQueen as a Cherokee Freedman; that said decision was duly forwarded to the Commissioner of Indian Affairs, and that upon request of this Commission said decision was returned to it for reconsideration. And that on March 5, 1904, this Commission rendered its decision herein enrolling Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said decision, and a motion to re-open said case and introduce the evidence of one Lydia Barton, taken in Cherokee Freedmen D-391; and that on April 21, 1904, this Commission granted said motion, to which applicants objected.

The evidence herein shows that the applicants, Becky and Lewis Webber, Sr., were slaves of a Cherokee citizen at the commencement of the Rebellion; that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation. The minor applicants, Lewis, Jr., Cora, Floyd and Beulah Webber, are children of the said Lewis Webber, Sr., and possess no rights to enrollment except as his descendants. The said Becky, Lewis, Sr., Lewis, Jr., Cora, Floyd and Beulah Webber can not be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, but that said Robert Webber returned thereto within the time specified in the above mentioned decree, and has since continuously resided therein. Said Margaret Webber did not return to the Cherokee Nation within the time specified in said decree, and she can not be identified on the Cherokee authenticated tribal roll of 1880. The applicants, Ella Whitmire, Sam and Josh Webber, and Kate Manley, are children of the said Robert and Margaret Webber, were born since 1866, and have continuously resided in the Cherokee Nation since birth. The minor applicants, Ida, Frank, Sarah, Lela, Joseph, Jr., Willie and Daisy

Manley, are children of the said Kate Manley, were born since 1880, and have continuously lived in the Cherokee Nation all their lives.

The evidence further shows that the applicant, Joseph Manley, Sr., was born since 1866, and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen), and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of the said Alonzo Manley (Cullen); that the said Alonzo Manley (Cullen), was a free colored person residing in the Cherokee country, and that the said Eliza Manley was the slave of a Cherokee citizen, at the commencement of the Rebellion; and that during said Rebellion they left the Cherokee Nation and did not return thereto within the time specified in said above mentioned decree. Neither Joseph Manley, Sr., nor Alonzo Manley (Cullen), or Eliza Manley, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that the applicant, Sidney West, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, but returned thereto and established a residence therein within the time specified in said above mentioned decree, and has since continuously resided within the domain of the Five Civilized Tribes. (It appears that after the close of the war the said Sidney West returned to the Cherokee Nation with her husband, Charley Chambers. The said Charley Chambers is duly identified on the Cherokee authenticated tribal roll of 1880, page 83, No. 596, Cooweescoowee District, and he has been listed for enrollment on Cherokee freedmen straight card No. 1017).

The evidence further shows that the applicants, Sabra McQueen and Eliza Rogers, are children of the said Charley Chambers and Sidney West, were born during the Rebellion, and brought to the Cherokee Nation by their parents on their return as above indicated, and have since continuously resided within the domain of the Five Civilized Tribes; that the applicants, Sarah Chatman and Susie Whitmire, are children of the said Sidney West, were born since 1866, and have continuously resided within the domain of the Five Civilized Tribes since birth; and that the minor applicants, Evaline Jimison, Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber, are children of the said Sarah Chatman and Susie Whitmire, were born since 1880, and have continuously lived with their mothers since birth.

The evidence further shows that the applicant, Frank Webber, died on June 13, 1901. An affidavit to that effect is filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of Becky Webber, Lewis Webber Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen, should be denied, under the provisions of the Act below noted; and that Robert Webber, Sam Webber and Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley and Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman and Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber(son of Susie and Frank Webber), and Eliza Rogers, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered. And it is further ordered that the application for the enrollment of Frank Webber as a Cherokee Freedman be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902, (32 Stat., 716).

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

this _____ 5 ____

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—58,
Ella Vann,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—105,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—118,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—176,
Mary Franklin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—186,
John Kinnebo,	Cherokee Freedmen D—188,
William S. Madden,	Cherokee Freedmen D—189,
Jane Bean,	Cherokee Freedmen D—196,
Albert T. Thomas,	Cherokee Freedmen D—245,
Mary Campbell,	Cherokee Freedmen D—273,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Chiggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—333,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maude Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas H. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Rose,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kissie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawe,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—753,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willie Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeann Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deckman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welch,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masir,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Looney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—121,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—141,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—155,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—178,
Belle Vann,	Cherokee Freedmen R—184,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Benben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Keader Lampton for himself; by Thomas B. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James E. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Daws, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Macie, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Department of the
Interior, Commission
to the Five Civilized
Tribes

In re Application
of Maude Manly
for the enrollment
of herself and
children namely
Etta et al.

Motion to re-open
and for a rehearing.

Copy

MISSION ... TRIBES
FILED

Lafayette Riddle
Atty for Applicant.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Maude Manley, for the enrollment of herself, and children, namely, Etta, Alonzo, Harvey, Freddie Maynard, Howard and Tessie Manley, as Cherokee Freedmen.

MOTION TO RE-OPEN AND FOR A RE-HEARING.

The Applicant herein, Maude Manley, for herself and the above named minor children hereby moves that this case be re-opened, and that she be allowed to introduce further testimony on behalf of herself and her said minor children for enrollment as Cherokee Freedmen. Said applicant Maude Manley, being duly sworn upon her oath states:

That if this case is re-opened and she is allowed to introduce additional ~~xxx~~ testimony, she will be able to produce the testimony of a new witness, namely, Andy Nave, a Cherokee Citizen by blood, of Tahlequah, Indian Territory. And Alonzo Foreman, a Cherokee Freedman citizen of Vinita I. T.

Said applicant shows to the Court that she was not aware of the fact that the said witness, Andy Nave, knew any of the facts relative to this case, until about ten days ago, and that she now attaches, herewith an affidavit made by the said Andy Nave on the 23rd day of June 1906. And one made by Alonzo Foreman on 25 day of June 1906

And Affiant says, if this case is re-opened and the said Andy Nave is called to testify in this case that he will testify to the facts set out in this affidavit, and that the affiant further believes that she will be able to find other persons who will testify substantially to the same facts.

And affiant further shows that she is informed and believes that William Brewer of Fort Gibson, Indian Territory, will testify substancially to the same facts set out in the affidavit of Andy Nave, attached hereto; that on account of the fact that this motion must be filed on or before the 26th day of this month, affiant has been unable to see and interview other witnesses, and she prays that this case be re-opened and that she be allowed to introduce the testimony of the said Andy Nave and William Brewer, and any other persons whose testimony will be competent and relevant herein.

Mrs Maude Manley

Subscribed and sworn to before me this 25 day of June, 1906.

My commission expires Feb 26 1910 Allie A Brown
Notary Public.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT

A F F I D A V I T

Andy Nave, being duly sworn upon his oath says; that he is fifty years of age, a Cherokee citizen by Blood, and that his Post Office address is Tahlequah, Indian Territory,; that he has always lived at, or near Tahlequah, I. T.

This affiant further states that he was intimately acquainted with one, Alonzo Manley, who was sometimes known, as Alonzo Cullins; that he knew Alonzo Manley-Cullins' father and his family.

This affiant further states that the saidn Alonzo Cullins, or Manley was a race-horse man and rode many horses in many races at Fort Gibson, Indian Territory.

This affiant further states that he knows that the said Alonzo Cullins, or Manley, lived at or near Fort Gibson, I. T. during the war, and during the years of 1865 and 1866; that he saw the said Alonzo Cullins, or Manley during the years of 1865 and 1866 and knows that his place of said residence at said time was at or near Fort Gibson, I. T.

This affiant further states that he knows that the said Alonzo Cullins or Manley, lived for several years, on what is known as the Illinois River, I. T.; that the said Alonzo Cullins, or Manley was about 7 or 8 years old in the year 1865 or 1866; that after the said Alonzo Cullins or Manley moved from the Illinois River, he went to the Coowescoowee District, I. T. where he lived until he died.

(Signed) Andy Nave

Subscribed and sworn to before me this the 23rd day of June, 1906.

(Signed) Addis A. Brown,
Notary Public.

My commission expires April 26, 1910.

Department of the Interior,
Commissioner to the Five Civilized Tribes.

In the matter of the application of Maude Manley, for the enrollment of herself, and minor children, namely, Etta, Alonzo Harvey, Freddie, Maynard, Howard and Tessie Manley, as Cherokee Freedmen.

Vinita, Indian Territory, June 25th, 1906.

Mr. W. T. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory,

Dear Sir:-

You are hereby notified that we have this day filed a motion to re-open and for a re-hearing of the above entitled case. Said motion has been filed with the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, a copy of which is hereto attached.

JUN 25 1906

Seymour Riddle
Attorney for Applicants.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss.

A F F I DAZ V I T

Chlora Foreman, being duly sworn upon her oath states:- That she is a Cherokee Freedman citizen of the Cherokee Nation, Indian territory, and lives at Vinita, Indian Territory; that she was married about the year 1867; that she was married at Fort Gibson, Indian Territory; that prior to coming to Vinita, Indian Territory affiant lived for many years, and during the war from 1861 to 1866, h she lived all of that time, and was well acquainted at Fort Gibson Indian Territory; that she was acquainted with one Alonzo Cullins, or Manley; that she knows that the said Alonzo Cullins or Manley was a race horse rider; that the affiant's husband and the said Alonzo Cullins or Manley ran many horse races together.

Affiant further states that her husband's name was Luster Foreman, who has been dead for several years.

This affiant further states upon her oath that she knows that the said Alonzo Cullins or Manley lived with his father at Fort Gibson, during the war, and during the years 1865 and 1866; that later the said Alonzo Cullins or Manley moved to Tahlequah or near Tahlequah, Indian Territory, and from thee he moved to Lightning Creek, and lived there until he died.

This affiant further states on her oath that the said Alonzo Cullins or Manley sometimes left Fort Gibson to run horse races, but, he made his permanent home at Fort Gibson during the war and for some years immediately afterwards.

This affiant further states upon her oath that she knows that the said Alonzo Cullins, or Manley, lived at Fort Gibson until peace was declared and from Fort Gibson he moved over near Tahlequah, Indian Territory, where he was married and later his wife was killed there.

Witness to mark
Geo. Gatewood
Manuel Rodgers

her
Chlora x Foreman
mark

Subscribed and sworn to before me this the 25th day of June 1906.

Addie A. Brown
Notary Public.

My commission expires April 26-1910.

INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JUL 1 1 1905

COMMISSIONER

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application of Maude Manley, et al., as freedmen citizens of the Cherokee Nation, F. D. 354.

Reply of the Cherokee Nation.

There are no grounds whatever set up in the motion for a rehearing which are ordinarily set up in such motions in courts of the country, but attached to the motion for rehearing are three affidavits, one by Maude Manley herself, in which she desires to have the case reopened in order that additional testimony may be introduced, but she does not disclose in her affidavit what effort, if any, she has made heretofore in order to secure the testimony of the witnesses whose affidavits are attached.

It has been held in the case of Moore versus Larney, Creek No. 49, that "in motions for rehearing resting on newly discovered evidence it should be shown that said evidence could not be discovered by due diligence and the facts showing such diligence should appear." In this case are cited the following: 6 L. D. 9; 7 L. D. 136; 10 L. D. 483; 18 L. D. 131; 19 L. D. 343.

We submit that in reading over the affidavit of Maude Manley she does not state what diligence she had used or that she had used any whatever, but she states that she was not aware of the testimony of the witnesses whose affidavits are attached. In the case of Burgess versus Wise, 2 Ark. 33, the Supreme Court of Arkansas held:

"In order to entitle a party to a new trial on the ground of newly discovered evidence the affidavit in the case must show:
First. The names of the witnesses whose testimony had been discovered and the facts expected to be established by them.
Second. Facts and circumstances sufficient to prove that the applicant has used due diligence in preparing his case for trial.
Third. That the facts and circumstances newly discovered have come to his knowledge since the trial and are such as if adduced on the trial would have been competent to prove the issue and would probably have changed the result verdict.
Fourth. That the evidence discovered is not cumulative of that previously relied on and will tend to prove material facts which were not put directly in issue on the trial."

At the end of this decision are cited a great number of cases which

are in line with it.

By an examination of the record in this case it will be seen that the applicant on the 18th day of May, 1901, appeared before the commission to the Five Civilized Tribes and in addition to her own testimony, introduced L. T. Daniels, James Alberty and Moses Riley. Each of these witnesses attempted to testify that Alonzo Cullin or Manley, was a free colored person residing in the Cherokee Nation prior to the war and each in an unsatisfactory was attempted to testify of the return of Alonzo Manley. But a close analysis of their testimony discloses that they do not fix him permanently at any place in the Cherokee Nation after the war. L. T. Daniels claims to have seen him at Fort Gibson in 1865, and so does James Alberty, but neither of them claim to have seen him continuously, whereas Moses Riley did not see him until a much later date. This case was reopened and remanded after one decision by the commission to the Five Civilized Tribes and additional and ample opportunity after due notice was given both parties. The applicants were at first represented by Mellette & Smith, both able and competent lawyers, Mr. Mellette now being United States District Attorney for the Western District of Indian Territory, and Mr. Smith practicing his profession and equally prominent therein. They were also represented by Preston S. Davis of Vinita, Indian Territory, who filed a most elaborate brief and argument in the case and who was present and cross-examined the witnesses introduced by the Cherokee Nation and therefore we feel that we have a right to insist that these applicants have been properly represented and their case cared for.

Now as again t the testimony introduced on behalf of the applicant the Cherokee Nation introduced the testimony of Lydia Barton, filed in Freedmen doubtful case 391being that of Elizabeth Meigs. Lydia Barton was the Clerk of the County Court in which Fort Scott is located and brought with her the newspaper files giving a detailed account of the killing of Oyer Mayford by Eli Mackey, and this record discloses the fact that this Alonzo Cullin resided there at that time, December 22, 1866,and a synopsis of his testimony is given. His testimony also discloses that

he is familiar with people in and about the town, and that he was necessarily a familiar resident of the place at the time. The Cherokee Nation also introduced Mrs. Elizabeth Davis who testified most positively that she was a resident of Fort Scott, Kansas, and knew Alonzo Cullin well, knew his children, knew his first wife who died there, and knew him when he married his second wife, and swears positively that they lived right near her and owned property there and continued to reside there some three or four years, after the war. She had no interest whatever in the result of the case, and she was corroborated by the record testimony introduced by Lydia Barton. Now, in addition to this an examination of the Cherokee Supreme court records for the Cherokee Nation of 1871 in possession of the commissioner to the Five Civilized Tribes shows that Alonzo Cullin was decided against by the Cherokee Supreme court on June 13, 1871. If this case were reopened this testimony of Andy Nave and of Chlora Foreman would be cumulative and no court has ever granted a motion to reopen solely upon cumulative testimony because if it were true then either side when it found an additonal witness could take his affidavit and attach it to a motion to reopen and there would never be any finality to a judgment. In support of the contention that the evidence must not be cumulative we cite:

5 Ark. 256; 5 Ark. 403; 11 Ark. 671; 17 Ark. 96; 17 Ark. 404; 25 Ark. 89; 26 Ark. 496; 46 Ark. 182.

Again, we desire to call attention of the Department to the fact that if Andy Nave were to appear before the Commissioner to the Five Civilized Tribes and testify to the facts set forth in his affidavit it would not change the result, because he states in his affidavit that he saw them at Fort Gibson in 1865 and that he knows that Alonzo Cullin afterwards lived on Illinois River, but he does not state the year. But to show that Andy Nave does not know what he was talking about in his affidavit, and is therefore unworthy of consideration in connection with this motion to reopen, I desire to quote this clause from his affidavit in which he states: "That the said Alonzo Cullin or Hanley was about

seven or eight years old in the year 1865 or 1866." Now, the truth is he claims to have been married at that time and was a grown man, and if on the other hand he were a boy what would he be doing around Fort Gibson by himself to be seen by the affiant Andy Nave? It is quite clear that if he saw him when he was seven or eight years of age he saw him before the war, because he could not have seen him in 1865 or 1866 at anything like that age, and he is careful not to state what years he lived upon the Illinois River in the Cherokee Nation. The next affidavit is signed by Chlora Foreman, an old colored woman, who claims to have seen him in 1865 or 1866, at Fort Gibson, and she is made to say "That later the said Alonzo Cullin or Manley moved to Tahlequah or near Tahlequah, Indian Territory; from there he moved to Lightning Creek, and he lived there until he died." Now, all of these witnesses who testified could have seen Alonzo Cullin or Manley at Fort Gibson temporarily in 1865 or 1866, but that he did not permanently reside there can be no question; that he was residing at Fort Scott when Dyer Wayford was killed by Eli Mackey the permanent records on file there show, and these records strongly corroborate the pointed and intelligent statement of Mrs. Elizabeth Davis who comes upon the stand and testifies in this case, and she is corroborated also by the decision of the Supreme Court of the Cherokee Nation in 1871 adverse to the applicants. If this applicant had lived at Fort Gibson as these witnesses attempt to swear, which is within 20 miles of Tahlequah, where the Supreme Court met, and if Alonzo Cullin moved from Fort Gibson to Tahlequah and was living in that immediate vicinity in 1871 every one knows that a number of witnesses could have been secured and proof would have been easy and abundant to substantiate his right to be admitted to citizenship as a Cherokee freedman in 1871, and that no adverse decision would have been rendered against him.

Section 3 of the Act of July 26, 1906 (Public No. 129) provides:

"The roll of Cherokee freedmen shall include only such persons of African descent either free colored or the slaves of Cherokee citizens, and their descendants, who were actual personal bona fide residents of the Cherokee Nation August 11, 1866, or who actually returned and established such residence in the Cherokee Nation on or before February 11, 1867

Now, anyone after reading this testimony can but be convinced that Alonzo Manley was not an actual, personal bona fide resident of the Cherokee Nation at the time required by the treaty of 1866. The testimony is conclusive that he was not. As above observed witnesses introduced in his behalf only saw him occasionally and at great intervals, and it might have been true that his family lived at Fort Scott, Kansas, and he may have made occasional visits to the Cherokee Nation, riding race horses, and still never have been an actual personal bona fide resident, but a resident of Fort Scott, Kansas.

The Department has held in both the Harry Still case and the John Morgan case that judgments of the Cherokee courts are entitled to great faith and credit and that they should not be lightly overturned after the lapse of so many years, but that the Department now should rather regard itself as a reviewing court to see whether or not any fraud was practiced against the applicants. In this case 35 years have elapsed since the Supreme Court of the Cherokee Nation decided adversely to the applicant; the principal applicant is dead; a great many of the older people of the country are dead; the memory of all the living is treacherous; but that he did not have sufficient testimony to entitle him to be admitted in 1871 the permanent record of that Court shows; and that he was residing in Fort Scott, Kansas, on December 22, 1866, the records of Fort Scott, Kansas, show. It will be noted that all of the witnesses who testified for Alonzo Manley's family testified that they saw him down in the Cherokee Nation previous to that time and not immediately subsequent.

This case has been briefed at great length; it was twice carefully considered by the commission to the Five Civilized Tribes and the Department now in affirming the decision of the commissioner to the Five Civilized Tribes calls attention to Section 3 of the Act of April 26, 1906 (Public No. 129), and also calls attention to the motions for review filed September 7, 1905, and calls attention to the argument filed by Preston S. Davis of Vinita, Indian Territory, which shows that careful consideration has been given this case, and we submit that if this case were reopen and remanded that no other decision could be reached upon the

testimony other than that heretofore reached rejecting the applicants, and we insist that no diligence has been shown; that the testimony now desired to be introduced would be cumulative and finally for the reasons hereinabove indicated we submit that the motion to reopen said case should be denied.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

8

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maude Manley for the enrollment of her children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee Freedmen.

AMENDED MOTION FOR REHEARING.

The record herein shows that a Motion for rehearing was filed with the Honorable Commissioner to the Five Civilized Tribes within sixty days after the passage of the Act of Congress, approved April 26, 1906, providing that Motions for rehearing or reconsideration in such cases as this should be filed with the Commissioner to the Five Civilized Tribes within sixty days from the date of the approval of said Act.

The record further shown that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Maude Manley for herself (by intermarriage), and her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; that the application of Maude Manley for the enrollment of herself as a citizen by intermarriage was differently classified and not considered in this Decision and was passed upon by the Department in a separate case.

It further appears that on March 5, 1904 the Commission to the Five Civilized Tribes rendered its Decision in this case ordering the enrollment of Etta, Alonzo, Harvey, Freddie, Maynard, Howard, and Tessie Manley as Cherokee Freedmen; that subsequent thereto the Cherokee Nation filed its protest against said Decision, and a Motion to reopen said case and introduce the evidence of one Lydia Barton taken in Cherokee Freedmen D. 391; and that on April 21, 1904 the Commission to the Five Civilized Tribes granted said Motion, to which the applicants strenuously objected.

The evidence further shows that the applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, were born since 1880, and possess no rights to enrollment except as descendants of Alonzo

Manley (Cullen); that the said Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that during the Relellion he left the Cherokee Nation , and the Commission to the Five Civilized Tribes in its Decision of January 5, 1905 decided that he did not return thereto within the time specified in the Decree of the Court of Claims rendered February 3, 1896.

The Commission to the Five Civilized Tribes was therefore of the opinion that the applications for the enrollment of Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley, as Cherokee Freedmen should be denied under the provisions of Section 21 of the Act of Congress approved June 28, 1898.

This Decision was thereafter affirmed by the Honorable Secretary of the Interior.

Comes now the applicants and move that this case be remanded to the Honorable Commissioner to the Five Civilized Tribes in order that the applicant have an opportunity to introduce the newly discovered testimony of the witnesses whose affidavits are filed with the original Motion for rehearing filed in this case prior to June 26, 1906, and also the newly discovered testimony of the witnesses whose affidavits are hereto attached in support of this Amended Motion for rehearing, together with all of the other newly discovered testimony of witnesses who have been found since the Decision herein was rendered, who will testify that Alonzo Manley (Cullen) returned to the Cherokee Nation and became "An actual personal bona fide resident of the Cherokee Nation" before February 11, 1867.

The applicants move that the Department order that the testimony of Lydia Barton taken in the case of Elizabeth Meigs, which was ordered on April 21, 1904 made a part of the record in this case at the request of the Cherokee Nation, be stricken from the files of this case for the reason that the same is filed in this case over the objection of the applicants and is in violation of the rule laid down by the Honorable Secretary of the Interior in Departmental letter of May 21, 1906 (D.C. 20724; I.T.D. 5262-1905; 4589-1905; 3537-1905; 9556-1905) in the matter of the Cherokee Freedmen Enrollment case of Catherine ~~Mix~~ Mix wherein

the Department held: "It is observed that the testimony taken in certain other cases was appended to the record herein and made a part of the same, contrary to the objection of Counsel for the applicants. While this action of the Commission is not considered proper in view of such objection, the additional testimony has not been considered in-as-much as the testimony submitted by and on behalf of the principal applicant is of itself sufficient to warrant the conclusion which the Department has reached in the matter".

This action of the Commission is also in violation of the rule laid down by the Department in Departmental letter of June 20, 1906 (D.C. 25968; I.T.D. 6190-1903; 8700-1904) in the Cherokee Freedmen enrollment case of Payton Martin, et al., in which the Department held: "A reconsideration of the record in this case shows that on the original hearing five witnesses were examined by the Attorneys for applicants and subjected to cross-examination by the Attorney for the Nation. Opposed to this showing there is attached to the record the testimony of E. J. Clayton as taken in the Neatie Martin case. It does not appear that this testimony is filed with the consent of the Attorneys for applicants and in the argument submitted by them they state that their consent was not given". . . . . .

"It is not the policy of the Department to consider affidavits in citizenship cases submitted in this form as it is manifestly unfair to the Nation and against the rules of evidence. In this case it is apparent that the evidence of E. J. Clayton taken in another case and without opportunity of cross-examination by applicants' Attorneys is subject to the same criticism as the affidavits submitted by the applicant"

"The Department cannot in justice be expected to adjudicate a case on such affidavits in behalf of the Nation. In regard to the cross-examination of the witnesses and the injection of testimony from other cases into the case under consideration your attention is called to Departmental letter of December 7, 1905 in the application for the enrollment of Doches, deceased, as a citizen by blood of the Creek Nation and also to Departmental letter of May 21, 1906 relative to the application of Catherine Mix for her enrollment as a Cherokee Freedmen. As the objections to this testimony were made in the argument submitted the Nation should be permitted to introduce their evidence in the premises"

"The Departmental Decision of September 22, 1903, in this case is hereby rescinded and the case is remanded for a rehearing. You are instructed to permit the applicants and the Attorney for the Nation to present such proper evidence as they see fit in the matter of the rights of these applicants to enrollment as Cherokee Freedmen".

It will be observed that Dyer Hayford was killed by Eli Mackey on the night of December 22,1866, and applicants expect to prove by proper evidence that Alonzo Manley (Cullen) was up at Fort Scott, Kansas on a visit at this time and that he was not then residing in Fort Scott, Kansas and that he was at that time "An actual personal bona fide resident of the Cherokee Nation"

The applicants expect to prove that Elizabeth Davis, the witnessfor the Cherokee Nation, is disreputable and entirely unworthy of belief; that she is a white woman and at one time married a colored man; that her reputation in the past will be shown by testimony on part of the applicants to have been such as to render her testimony entirely un-

worthy of belief and the attention of the Department is invited to the fact that the Commission to the Five Civilized Tribes, in face of this testimony, on March 5, 1904, rendered a Decision ordering these applicants enrolled and that on April 21, 1904 the Nation moved to re-open the case in order that the testimony of Lydia Barton taken in Cherokee Freedmen D. 391, Elizabeth Meigs, be filed and made a part of the record in this case, and upon this testimony injected into this case from the Elizabeth Meigs case and upon no other testimony, the Commission to the Five Civilized Tribes on January 5, 1905 reversed itself and rendered a Decision denying these applicants the right to be enrolled as Cherokee Freedmen.

The applicants in this case have been diligent and have procured the testimony which was sufficient to enroll them and upon which the Commission to the Five Civilized Tribes rendered a Decision ordering them enrolled, but after this Decision the Commission to the Five Civilized Tribes reopened the case for the purpose of introducing the testimony of Lydia Barton heretofore taken in the case of Elizabeth Meigs only, and areference to the letter of the Commission to the Five Civilized Tribes, dated May 5, 1904, the original of which is hereto attached, will show for itself that the applicants were not given an opportunity to introduce any further testimony and that the Nation's Motion to reopen said case for the purpose only of introducing this testimony of Lydia Barton was granted and the only privilege these applicants had was to object to the injection of said testimony.

It therefore appears that these applicants can not be charged with a failure to use proper diligence in securing evidence in this case when upon the testimony introduced by them they were ordered enrolled and afterwards the Commission to the Five Civilized Tribes, contrary to the recent holdings of the Department herein cited, took the testimony of Lydia Barton fromanother case and made it a part of the record in this case over the objection of the applicants and without them being afforded an opportunity to introduce their testimony and without notice to them that the Commission was going to take such action until it had actually made the order as laid down by the letter hereto attached and

the applicants were not given an opportunity to even object to this acticmon the part of the Commission until after the order had been made and they had been notified thereafter that the Commission had made such an order. Wherefore, the applicants earnestly request and pray that they be granted a rehearing in this case and that they be afforded an opportunity to introduce all of the testimony they have tending to prove that Alonzo Manley (Cullem) returned to the Cherokee Nation and became "An actual personal bona fide resident" therein prior to February 11, 1867.

Respectfully submitted,

Copy

Starr & Patten &

Seymour Riddle,

ATTORNEYS FOR APPLICANTS.

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (SS.
NORTHERN DISTRICT)

On this 31st day of July, A. D.,1906 personally appeared before me, the undersigned Notary Public withi n and for the Northern District of the Indian Territory, MAUDE MANLEY, of lawful age, who being by me duly sworn according to law, on her oath deposes and says:-

"My name is Maude Manley; my age is 38 years and my Post Office is Hayden, Indian Territory. I am the person who applied for the enrollment of the applicants, Etta Manley,Alonzo Manley, Harvey Manley, Freddie Manley, Maynard, Manley, Howard Manley and Tessie Manley, and at the former hearing of this case I procurred the testimony that I deemed sufficient to warrant the enrollment of these applicants and upon that testimony a Decision was rendered by the Commission to the Five Civilized Tribes ordering them enrolled. Said case was reopened as shown by the record for the purpose of introducing the testimony of Lydia Barton from another case, and afterwards, without an opportunity being afforded me to introduce further testimony the Commission to the Five Civilized Tribes rendered a Decision denying these applicants. I was unable at the former hearing to produce the testimony of the witnesses whose affidavits are attached for the reason that I did not know at that time of the existence of such testimony but I made an effort to get testimony material to this case and produced at the time what I deemed was sufficient and what the Commissionat one time deemed sufficient to warrant the enrollment of these applicants, and with due diligence at the time I was unable to get any further testimony, and I have, since the Decision adverse to these applicants, discovered the testimony of the witnesses whose affidavits have heretofore been filed and whose affidavits are filed in support of my Amended Motion for a rehearing, and I have also found other witnesses by whom I expect to prove the essential material point in this case, to-wit: 'That Alonso Manley (Cullen) returned to the Cherokee

Nation and became "An actual personal bona fide resident" therein prior to February 11, 1867'

This Motion ~~in~~ for a rehearing and the Amended Motion for a rehearing in this case is made in good faith, not for the purposes of delay but in order that justice might be done my children.

Ellen Maude Manley

Subscribed and sworn to before me this 31st day of July, A.D.,1906.

O A Smith

Commission Expires Dec. 11 1909.

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen D 353.

Muskogee, Indian Territory, May 5, 1904.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself, et al., as Cherokee freedmen you are advised that upon motion of the Cherokee Nation, a copy of which was furnished you, this case has been reopened for the purpose of introducing the testimony of Lydia Barton heretofore taken in the case of Elizabeth Meigs.

There is herewith inclosed a copy of the Commission's order of April 21, making the testimony of Lydia Barton a part of the record in your case, and you are advised that in accordance with this order copies of that testimony have been filed with and made a part of your said application for enrollment.

Respectfully,

(signed) T. B. Needles,

Commissioner in charge.

Encl. V-18

State of Kansas,

County of Bourbon, SS.

On this 27th day of July 1906 personally appeared before the Undersigned Notary Public within and for Bourbon County, Kansas, John S. Morgan of lawful age who being by me duly sworn according to law on his oath deposes and says:

"My name is John S. Morgan. My age is Seventy-one years and my post offi ce is Fort Scott, Kansas. I came to Ft. Scott, Kansas in 1862 and have lived here ever since 1862 in Bour bon County, Kansas. I knew Lonzo Cullen and got acquainted with him about the year 1864 and in the fall or winter of 1866, about the holidays of 1866 he left there and went to the Cherokee Nation, Indian Territory and I never saw Lonzo Cullen in Ft. Scott, Kansas after Christmas of 1866. Lonzo Cullen never lived in Ft. Scott, Kansas after the Holidays of 1866.

I am not of kin to either of the parties and am not interested in this case.

JOHN his x mark S. MORGAN.

Witnesses to mark:

J. R. SMITH.

H. B. PARAMORE.

Subscribed and sworn to before me this 27th day of July, 1906.

J. R. SMITH,

Notary Public/

(SEAL)

Commission expires April 6, 1907.

State of Kansas.
Bourbon County SS.

On this 27th day of July 1906 personally appeared before me the undersigned Notary Public within and for Bourbon County, Kansas A. J. Johnson, of lawful age who being by me duly sworn on his oath deposes and says:

"My name is A. J. Johnson, my post office is Fort Scott, Kansas my age is fifty-six years; In the fall of the year of 1865I came to Ft. Scott, Kansas and have lived here continuously since the fall of 1865. I knew Lonzo Cullen, I met him in Ft. Scott, Kansas. His father had a race horse and Lonzo rode races. My best recollection is that Lonzo Cullen left for the Cherokee Nation in the late fall of 1866 or right after Christmas of 1866. According to my recollection Lonzo Cullen and his father moved to the Cherokee Nation, Indian Territory in the fall of 1866 and that he came back to Ft. Scott, Kansas on a visit and to spend the Holidays of 1866 here and I remember that Lonzo Cullen was up here about Christmas of 1866 on a visit and was on a visit at the time Eli Mackey killed Dyer Hayford. I never saw old man Cullen Manley, father of Lonzo in Ft. Scott, Kansas after he left here in 1866.

A. J. JOHNSON.

Subscribed and sworn to before me this 27th day of July 1906.

J. R. SMITH
Notary Public.

(SEAL)

Commission expires April 6, 1907.

State of Kansas,
Bourbon County, ss.

On this 27th day of July 1906 personally appeared before me the undersigned Notary Public within and for Bourbon County, Kansas, Hop Blakey of lawful age who being duly sworn on his oath says:

"My name is Hop Blakey. My age is Fifty-four years; my post office is Fort Scott, Kansas. I came to Fort Scott, Kansas in the fall of 1865 and when I came here in 1865 I got acquainted with Lonzo Cullen and Manley his father. My recollection is that soon after I came to Ft. Scott, Kansas in the fall of 1865 Lonzo Cullen left here and went to the Cherokee Nation. The next fall, that is in the fall of 1866 the old man Manley went to the Cherokee Nation with his family and effects. In 1866 Lonzo Cullen visited in Fort Scott occasionally and came up here to ride races. He was here on a visit about Christmas 1866 and at the time Eli Mackey killed Dyer Hayford, but Lonzo never lived here after he left for the Cherokee Nation in the fall of 1865 nor after his father left here in the fall of 1866.

his
HOP x BLAKEY
mark

Witnesses to mark:

J. P. WINKLEMAN
FT. SCOTT, KANS.
H. B. PARAMORE.

Subscribed and sworn to before me this 27th day of July 1906.

(SEAL)

J. R. SMITH
Notary Public

Commission expires April 6, 1907.

State of Kansas,

County of Bourbon, SS.

On this 27th day of July, 1906 personally appeared before me the undersigned Notary Public within and for Bourbon County, Kansas, Wiley Anderson of lawful age, who being by me duly sworn on his oath deposes and says:

"My name is Wiley Anderson, my post office is Fort Scott, Kansas, my age is Seventy-four years; my occupation is retired; I came to Bourbon County, Kansas in 1860 and have lived in Bourbon County, Kansas ever since 1860. I have held office for Twenty-seven years, either elective or appointive, during my life; was Register of Deeds for six years in Bourbon County from 1868 until 1874; Deputy U. S. Marshall in 1863 and 1864; was Sheriff in Michigan two years; and held position as Postal Clerk on Missouri, Kansas & Texas Railway for fourteen years from 1874 until 1888, on a run between Hannibal, Mo. and Denison, Texas.

I knew Lonzo Cullen in Fort Scott, Kansas and was well acquainted with him and his father. Lonzo was a race rider and his father had a race horse called "Humpy". Lonzo Cullen rode race horses for a man by the name of "Hugh Kirkendall". My recollection is that Lonzo Cullen and his father left Ft. Scott, Kansas in the fall of 1865 or in the Spring of 1866 and neither of them ever returned to Fort Scott, Kansas to live; they might have been back here on visits but I know they never came back here to live after they moved to the Cherokee Nation in the fall of 1865 or Spring of 1866"

WILEY ANDERSON.

Subscribed and sworn to before me this 27th day of July, 1906.

J. R. SMITH,

(SEAL)

Notary Public.

Commission expires April 6, 1907.

J.R.-009

IN THE U.S.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED
AUG 8 - 1906

Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Maude Manley, et al., as freedmen citizens of the Cherokee Nation.

Reply of the Cherokee Nation to Amended Motion for Rehearing.

Counsel for applicants file an amended motion for a rehearing in the above case and the burden of their argument in the amended motion for a rehearing is that the testimony of Lydia Barton taken in the case of Elizabeth Meigs was ordered made a part of the testimony in this case, which is, it is claimed, in violation of the rule laid down by the Department in the Catherine Mix case and in the Payton Martin case. Now, the Department gave its reasons in the Payton Martin case why the evidence of E. J. Clayton should not be taken from the Neatie Martin case and thrown into and made a part of the testimony in the Payton Martin case and took occasion to say:

"In this case it is apparent that the evidence of E. J. Clayton, taken in another case and without opprotunity of cross-examination by applicants' attorneys, is subject to the same criticism as the affidavits submitted by the applicant."

The only possible objection that could be raised against the testimony of Lydia Barton was that there was no opportunity for cross-examination, but lets see if that objection is good in this case. What good would the opportunity of cross-examination have done any attorney? She did not testify of her own knowledge, but she testified only as an official; she was a County Clerk; and the newspaper account of the killing of Dyer Hayford was an official newspaper of the County, the files of which had been kept ever since 1866, and she only appeared as the custodian of the newspaper files. There was nothing to cross-examine her about; no one objected to the correctness of her statement, namely, that she was at that time the County Clerk and that the newspapers which she brought with her were from the official files, and these were introduced themselves. The attorneys for the Cherokee Nation might as well have had copies of these

made there and certified to, just as they could have had copies of any other records made without her coming and they could have been introduced in evidence in the case. So it will be seen that it was unnecessary to have brought Lydia Barton, it was unnecessary to have introduced her, except for the purpose of her certifying to the fact that these were official papers and in her custody, and she could have done this by a certificate under her official seal just as well as her certifying to any other official document within her custody, but instead of her certifying to it, which she could have done in an exparte matter, she came and went upon the stand and testified, and when the attorney for the Cherokee Nation found that this newspaper account included the father of the applicants in this case, that he was there as a witness, when all of his witnesses testified that he was living down here, it was thought proper to introduce it in evidence in this case, and the attorneys for the applicants are not injured by it and cannot be heard to complain because as above observed a certified copy of it could have been made and introduced without the witness coming. We think, therefore, that this objection found in the amended motion for a rehearing is not meritorious. It seeks to raise a technical objection, whereas the courts always hold: "It must go to the merits and not rest merely on a technical defense." White v. State, 17 Ark. 404.

Again, the affidavit of Maude Manley states that the testimony of Lydia Barton was thrown into this case without the opportunity being afforded her to introduce testimony before the Commission to the Five Civilized Tribes. The truth is that she was notified on the 5th day of May, 1904, that the case was reopened upon motion of the Cherokee Nation, for the purpose of introducing the testimony of Lydia Barton heretofore taken in the case of Elizabeth Meigs and that inclosed with an order of date April 21st, making the testimony of Lydia Barton a part of the testimony in her case.

Referring to the motion filed to reopen this case it will be seen that the motion, a copy of which was served upon the representative of Maude Manley, states as follows:

"Comes now the Cherokee Nation and moves to reopen the above entitled case for the purpose of introducing the testimony of Lydia Barton heretofore taken in the case of Elizabeth Meigs F. D. #391 which shows that on May 13, 1902 at the time she testified in said case that she was county Clerk of the county in Kansas in which Fort Scott in located and introduced files of the official paper of the county of December 1866 up to and including March 1867 which files were officially kept and from which a detailed account was given of the testimony taken before a coroner with reference to the murder of Dyer Hayford on December 26, 1866; said testimony shows that Alonzo Cullen father of the applicants in this case was a witness in the case, was called to testify and which conclusively shows that the said Alonzo Cullen, also known as Alonzo Manley was a resident of Fort Scott, Kansas and thereby conclusively corroborrates the very intelligent detailed statement of Elizabeth Davis who testified in this case on February 18, 1902 to the fact that she knew Alonzo Cullen also known as Manley, etc."

From this it will be seen that the case was reopened for the very express purpose of introducing this testimony and it was introduced as shown by the order and the applicant notified of it and no decision was rendered thereafter in the case until January 5, 1905, or about eight months, during all of which time abundant opportunity could have been afforded the applicants or her representatives to introduce any testimony it was desired in their behalf.

For the reasons herein assigned, together with the reasons heretofore urged in our reply brief, we submit that this case is without merit, that the applicants are not entitled to be enrolled as freedmen citizens of the Cherokee Nation and that the motion for a rehearing filed in this case and the amended motion for a rehearing should be denied.

Respectfully submitted,

Attorney for the Cherokee Nation.

F.D.353

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Maud Manley,
Hayden, I. T.
Cherokee F-D-353.
Register.

Cherokee Freedmen
D-333.

Muskogee, Indian Territory, September 9, 1903.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

In the matterof your application for the enrollment of yourself and children as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not Alonzo Manley (or Cullen) father of minor applicants, was a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, and whether he returned to and was residing in said Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-353.

Muskogee, Indian Territory, September 9, 1903.

Edgar Smith,

Attorney for Maude Manley, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Maude Manley, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether or not Alonzo Manley (or Cullen) father of minor applicants, was a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, and whether he returned to and was residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-353

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Maude Manley for the enrollment of her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-6

Commissioner in Charge.

Cherokee Freedmen
D 353

Muskogee, Indian Territory, May 5, 1904.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself, et al., as Cherokee freedmen you are advised that upon motion of the Cherokee Nation, a copy of which was furnished you, this case has been reopened for the purpose of introducing the testimony of Lydia Barton heretofore taken in the case of Elizabeth Meigs.

There is herewith inclosed a copy of the Commission's order of April 21, making the testimony of Lydia Barton a part of the record in your case, and you are advised that in accordance with this order copies of that testimony have been filed with and made a part of your said application for enrollment.

Respectfully,

Encl. V-18

Commissioner in Charge.

Cherokee Freedmen
D 353

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of your motion to reopen Cherokee Freedmen D 353, Etta Manley, et al., for the purpose of introducing the testimony of one Lydia Barton heretofore taken in the case of Elizabeth Meigs, Cherokee Freedmen D 391, there is herewith inclosed a copy of the Commission's order of April 21, 1904, granting your said motion. There is also inclosed for filing with your records a copy of the testimony of Lydia Barton. In accordance with the Commission's order copies of this testimony have been filed and made a part of the record in Cherokee Freedmen D 353, Etta Manley, et al.

Respectfully,

Encl. V-17

Commissioner in Charge.

COPY

Vinita, I. T. May the 10th. 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen ;-

Your letter dated May the 6th. 1904, advising me that that my case, Cherokee Freedmen, D 353, had been re-opened for the purpose of allowing the Cherokee Nation to introduce the testimony of Lydia Barton heretofore taken in the case of Elizabeth Meigs, received. In reply will say that I desire to enter a protest on behalf of myself and my children to this action on the part of the Commission, and desire that this protest be filed with the papers in the case: We object to this action on the part of the Commission in thus reopening our case for the following reasons and upon the following grounds, that is to say ;-

1st. Said action is contrary to law.

2nd. This case having been fully and finally submitted to the Commission and the Commission having rendered its decision therein, was wholly without authority or jurisdiction to reopen said case or to take any further action therein.

3rd. That the Cherokee Nation was in possession of the testimony of this witness, Lydia Barton, before this case was finally closed and finally submitted to the Commission, and said testimony was a part of their case in chief, and

after the case was finally closed, and after the Commission had rendered its decision therein on the 5th. day of March, 1904, the Commission was without authority or jurisdiction to re-open this case or to permit the Cherokee Nation to introduce further testimony therein, and the Nation had waived its right to introduce this, or any other testimony, when it finally closed and submitted this case to the Commission.

4th. Because the substantial rights of the applicants herein are prejudiced by this action on the part of the Commission, said applicants not being allowed to introduce further testimony in this case.

For these reasons applicants say that the action on the part of the Commission was wholly without warrant of law, and they ask that this letter may be filed with the records in this case and become a part thereof to show their protest against this action on the part of the Commission. That they at no time consented to this action of the Commission in thus re-opening their case. They ask that this testimony be excluded and that the decision of the Commission heretofore rendered in this case be allowed to stand.

Very respectfully

(Signed) Mrs Maude Mamley

For herself and her children.

M29

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
D 353

Muskogee, Indian Territory, May 13, 1904.

Maude Manley,

Vinita, Indian Territory.

Dear Madam:

The Commission is in receipt of your communication of May 10, protesting against the reopening of your case on motion of the attorney for the Cherokee Nation, for the introduction of the testimony of Lydia Barton heretofore taken in the case of Elizabeth Meigs.

You are advised that copies of this protest have been filed with and made a part of the record in your case.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-353, et al.

Muskogee, Indian Territory, January 5, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated January 5, 1905, rejecting the applications for the enrollment of Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber and Joseph Sr., Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, dismissing the application for the enrollment of Frank Webber, and granting the applications for the enrollment of Robert, Sam, Josh, Julia and Samuel Webber (sons of Susie and Frank Webber), Ella and Susie Whitmire, Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley, Sidney West, Sabra McQueen, Sarah, Jim, Julia and Nannie Chatman, Evaline Jimison, Henry Caesar and Eliza Rogers, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the

principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

(SIGNED). Tame Bixby.
Chairman.

Encl. X-2.

COPY.

Cherokee Freedman
D-353.

Muskogee, Indian Territory, January 24, 1905.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. L-41.

Register.

COPY.

Cherokee Freedmen
D-208 et al.

Muskogee, Indian Territory, January 24, 1906.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Ross, Alex Johnson, Charles C. Smith, Susie Colbert, William Scaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Nattie Smith, Jack Jackson, Ida Adair, Robert Brown, Igen Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGN) Tams Bixby.
Chairman.

Encl. L-122.
Register.

COPY.

Cherokee Freedmen
D-24 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Datson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mandie Manley, George Reed, Sr., Buck Lafman, Bell Thompson, Lewis Scott, Ike Scott, Kender Langton, Thomas E. Allen, Lewis Vanderford, John K. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Sonie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mesir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Ison Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tamie Bixby.
Chairman.

Incl. X-0.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Beck, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Marish Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. K-S.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-353.

Muskogee, Indian Territory, January 26, 1905.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting, among others, the application for the enrollment of your minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard, and Tessie Manley, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby:
Chairman.

Encl. L-4.

Register.

COPY.

Cherokee Freedman
D-353 et al.

Muskogee, Indian Territory, January 26, 1905.

Edgar Smith,

Attorney for Etta Manley et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, granting, among others, the application for the enrollment of Robert Webber, and rejecting, among others, the applications for the enrollment of Etta, Alonzo, Harvey, Freddie, Maynard, Howard, and Tessie Manley; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Encl. L-17.

Register.

COPY.

Cherokee Freedman
D-363 et al.

Muskogee, Indian Territory, January 28, 1905.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Etta Manley et al., including the Commission's decision, dated January 5, 1905, dismissing the application for the enrollment of Frank Webber, granting the applications for the enrollment of Ella and Susie Whitmire; Kate, Ida, Frank, Sarah, Lela, Joseph Jr., Willie, and Daisy Manley; Robert, Sam, Josh, Julia, and Samuel Webber; Sidney West, Sabra McQueen, Sarah, Jim, Julia, and Nannie Chatman; Evaline Jimison, Henry Caesar, and Eliza Rogers, and rejecting the applications for the enrollment of Etta, Alonzo, Freddie, Maynard, Howard, Tessie, Harvey, and Joseph Manley Sr.; Becky, Lewis Sr., Lewis Jr., Cora, Floyd, Beulah, and Margaret Webber, as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Encl. L-19.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Wann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin; Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Cheuteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dann, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buskner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Ware, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Pennie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

-COPY-

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
8564-1905.
14810-1905.

March 31, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Maude Manley for her minor children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley; by Walter Whitmire for his wife, Ella Whitmire; by Becky Webber for herself; by Lewis Webber Sr., for himself and minor children, Lewis Jr., Cora, Floyd and Beulah Webber; by Joseph Manley Sr., for himself and wife, Kate Manley, and minor children, Ida, Frank, Sarah, Lela, Joseph Jr., Willis and Daisy Manley; by Robert Webber for himself and wife, Margaret Webber; by Sam Webber for himself; by Josh Webber for himself; by Sidney West for herself; by Sabra McQueen for herself; by Sarah Chatman for herself and minor children, Evaline Jimison, Henry Caesar, Jim (James), Julia and Nannie Chatman; by Susie Webber, now Whitmire, for herself and husband, Frank Webber, and minor children, Julia and Samuel Webber, and by Eliza Rogers for herself.

January 5, 1905, the Commission decided adversely to Becky Webber, Lewis Webber Sr., Lewis Webber Jr., Frank Webber, Cora Webber, Floyd Webber, Beulah Webber, Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley and favorably to all the other applicants.

The record shows that the applicants, Becky and Lewis Webber Sr., were slaves of a Cherokee citizen at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto on or before February 11, 1867. The minor applicants, Lewis Jr., Cora, Floyd and Beulah Webber are children of Lewis Webber Sr., and possess no rights to enrollment except as his descendants. The minors or their parents are not identified on the 1880 authenticated Cherokee roll.

The record further shows that the applicants, Robert and Margaret Webber were slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and that Robert Webber returned but Margaret Webber did not return on or before February 11, 1867. Robert Webber has since continuously resided in the Cherokee Nation. The applicants, Ella Whitmire, Sam and Josh Webber and Kate Manley are children of Robert and Margaret Webber, were born since 1866 and have continuously resided in the Cherokee Nation since birth.

The minor applicants, Ida, Frank, Sarah, Lela, Joseph Jr., Willie and Daisy Manley are the children of the said Kate Manley, were born since 1880 and have lived continuously in the Cherokee Nation since birth.

It is further shown that the applicant, Joseph Manley Sr. was born since 1866 and possesses no rights to enrollment except as the descendant of Alonzo Manley (Cullen) and Eliza Manley, and that the minor applicants, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley were born since 1880 and possess no rights to enrollment except as the descendants of the said Alonzo Manley (Cullen); that Alonzo Manley (Cullen) was a free colored person residing in the Cherokee country and that Eliza Manley was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during said war they left the Cherokee Nation and did not return on or before February 11, 1867. They are not identified on the 1880 authenticated Cherokee roll.

It is further shown that the applicant, Sidney West, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but returned thereto on or before February 11, 1867, and has since continuously resided in the Indian Territory.

It is further shown that the applicants, Sarah Chatman and Susie Whitmire are children of the said Sidney West, were born since 1866 and have continuously resided in the Indian Territory since birth; that the minor applicants, Evaline Jimison,

Henry Caesar, James, Julia and Nannie Chatman, and Julia and Samuel Webber are children of the said Sarah Chatman and Susie Whitmire, were born since 1880 and have continuously lived with their mothers since birth.

The record shows that the applicant, Frank Webber, died June 13, 1901.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D.C. 20879-1905 (C O P Y) W.C.F.
I.T.D. 2904-1905 F HR

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L R S April 17, 1905

Commission tothe Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William B. Malden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John M. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Vander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Choutean, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Mave, Naoma Mave, Ella Ross, Elizabeth Duncan, Hattie Adams, Georgeann Archer, John Claggett, Hattie Smith Jack Jackson, Lula Sanders, George Mazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch Lawson Logan, George Howell, Henry Vasir, George Adams, Annie Thomas, Lewis McCannell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair , Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thomas Ryan
Acting Secretary.

1 inclosure

COPY.

Cherokee Freedmen

D-353.

Muskogee, Indian Territory, April 28, 1905.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY

Cherokee Freedmen

D-353.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Maude Manley,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Maude Manley as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(signed) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D 353.

Muskogee, Indian Territory, May 6, 1905.

Preston S. Davis,

Vinita, Indian Territory.

Dear Sir:

In accordance with the request contained in your letter of April 29, 1905, there is herewith inclosed a copy of the testimony in the matter of the application for the enrollment of Etta Manley, et al., as Cherokee freedmen, other than that heretofore furnished Edgar Smith, Vinita, Indian Territory, former attorney for the said Etta Manley, et al.

You inclose a certain letter which is herewith returned to you.

Respectfully,

(SIGNED) T. B. Needles,
Commissioner in Charge.

Incl. S-124

-COPY- Y.P.

DEPARTMENT OF THE INTERIOR,

D.C. 22188 WASHINGTON. FHE.

I.T.D. 3843,4575,8743-1905.
8745,8903,8905- "
3344,8907- "
10611,12908- "
L.R.S.

May 31, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 26, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated Cherokee freedman case of Etta Manley, et al., including its decision of January 5, 1905, denying the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonso Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber.

Reporting March 31, 1905, the Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision is hereby affirmed.

Motions for review filed September 7, 1905, in the cases of Etta Manley, et al., Joseph Manley, et al., Margaret Webber, Lewis Webber, Sr., and Lewis Webber, Jr., of which the Commissioner to the Five Civilized Tribes was advised, are denied. See section 3 of the act of April 26, 1906 (Public No. 129).

An argument filed by Preston S. Davis, of Vinita, Ind. T., with letter of May 13, 1905, in the case of Etta Manley, et al., and also a motion filed by A. S. McRea, of Muskogee, Ind. T., in the case of Sidney West, et al., have received due consideration.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
D 353.

COPY

Muskogee, Indian Territory, June 8, 1906.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting, among others, the application for the enrollment as Cherokee freedmen of your children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, was affirmed by the Secretary of the Interior May 31, 1906.

Respectfully,

M.A.

Tams Bixby
Commissioner.

Cherokee Freedmen
D 363 et al.

COPY

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Etta Manley et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley Sr., Etta Manley, Alonzo Manley, Harvey Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your further information there is enclosed herewith a copy of the Departmental decision referred to.

Respectfully,

Encl. A-93.
M.A.

(SIGNED). James Bixby.
Commissioner.

Cherokee Freedmen
D 353 et al.

COPY.

Muskogee, Indian Territory, June 8, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 8, 1905, rejecting the applications for the enrollment of Becky Webber, Lewis Webber, Sr., Lewis Webber, Jr., Cora Webber, Floyd Webber, Beulah Webber and Margaret Webber, Joseph Manley, Sr., Etta Manley, Alonzo Manley, Harvet Manley, Freddie Manley, Maynard Manley, Howard Manley and Tessie Manley; granting the applications for the enrollment of Robert Webber, Sam Webber, Josh Webber, Ella Whitmire, Kate Manley, Ida Manley, Frank Manley, Sarah Manley, Lela Manley, Joseph Manley, Jr., Willie Manley, Daisy Manley, Sidney West, Sabra McQueen, Sarah Chatman, Evaline Jimison, Henry Caesar, Jim Chatman, Julia Chatman, Nannie Chatman, Susie Whitmire, Julia Webber, and Samuel Webber, (son of Susie and Frank Webber), and Eliza Rogers; and dismissing the application for the enrollment of Frank Webber, was affirmed by the Secretary of the Interior, May 31, 1906.

For your information there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. A-95.

M.A.

(SIGNED) Tams Bixby.

Commissioner.

Muskogee, Indian Territory, August 30, 1906

Starr and Patten,

Attorneys for Etta Manley, et al.

Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on August 1, 1906, of amended motion made by you for a rehearing in the Cherokee freedmen enrollment case of Etta Manley et al. Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date of which you will be promptly advised.

You have been entered as associate attorneys with Seymour Riddle in this case.

Respectfully

L M B

Acting Commissioner

Cherokee Freedmen
R 589

Muskogee, Indian Territory, August 30, 1906

Seymour Riddle,

Attorney for Maude Manley et al.

Vinita, Indian Territory.

Dear Sir:

This office is in receipt, on June 26, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Maude Manley et al. Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully ,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 9, 1907

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a motion filed June 28, 1906 by Seymour Riddle, Vinita, Indian Territory, for a rehearing of the Cherokee freedman case of Maude Manley et al. This motion is supported by the affidavits of Andy Nave and Chlora Foreman. The reply of the Attorney for the Cherokee Nation to this motion, filed July 17 , 1906, is also enclosed. August 1, 1906, there was filed by Messrs. Starr & Patten, Vinita, Indian Territory, an "amended motion for rehearing" of said case. The reply of the Attorney for the Cherokee Nation to said motion, filed August 8, 1906, is also enclosed.

Maude Manley claims the right to enrollment as a citizen of the Cherokee Nation only by intermarriage, and her application for enrollment as such was, among others, denied by the Department April 17, 1908 (I.T.D. 2904-1906).

The decision of the Commission to the Five Civil-

ized Tribes, dated January 8, 1906, rejecting, among others, the application of Maude Manley for the enrollment of her children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley , as Cherokee freedmen, was affirmed by the Department May 31, 1906 (I.T.D. 10611-1890-1905). A motion for review of said case filed September 7, 1905, was also denied on that date.

The record in this case is very voluminous, but after a careful consideration of the same in connection with the motions now presented, this office considers that sufficient reason is not shown to warrant a rehearing of the case.

The record shows that the applicants were represented by able counsel when their case was heard before the Commission. The record shows that the applicants in the present case under consideration, other than Maude Manley, claim the right to Cherokee freedman citizenship only as descendants of their father, Alonzo Manley, or Cullen.

The records of this office show that said Alonzo Manley, or Cullen, was an applicant to the Supreme Court

of the Cherokee Nation for recognition as a citizen of the Cherokee Nation, and that his application was denied by said court on June 13, 1871. The question as to the weight to be given to decisions by the Supreme Court of the Cherokee Nation has been before the Assistant Attorney General, and the Department's rulings in cases where that fact exists are well known.

It is respectfully recommended that the motion herewith transmitted be denied.

Respectfully

Through the Commissioner
of Indian Affairs.

Encl. B-99

Commissioner

DEPARTMENT OF THE INTERIOR,

Land
30116-1905.
15729-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 9, 1907, enclosing a motion for re-hearing in the Cherokee freedman case of Maude Manley, et al.

Maude Manley is a party applicant in the William Davis case, the records of which are transmitted herewith.

The Office concurs in the recommendation of the Commissioner that the motion be denied.

Very respectfully,

EWE--SD.

C. F. Larrabee,

Acting Commissioner.

G.R.

DEPARTMENT OF THE INTERIOR, LLB.

WASHINGTON.

D.C.12670-1907.
I.T.D. 5612-1907.
LRS.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for rehearing, on the ground of newly discovered evidence, of the Cherokee freedman case of Maude Manley et al., received with your letter of February 9, 1907, and Indian Office letter of February 26, 1907 (Land 15729), is hereby denied, as recommended by you and the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the citizenship rolls of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. and 3 to Ind. Of.

W.C.F. 3/3/07.

Cherokee freed-
man D 353

Muskogee, Indian Territory, April 2, 1907.

Maude Manley,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Starr & Patten, for a rehearing in the Cherokee freedman enrollment case of yourself and children, Etta, Alonzo, Harvey, Freddie, Maynard, Howard and Tessie Manley, was denied by the Secretary of the Interior March 4, 1907.

Respectfully,

MMP

Acting Commissioner.

Cherokee freed-
man D 353

Muskogee, Indian Territory, April 2, 1907.

Messrs Starr & Patten,

Attorneys for Maude Manley et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of Maude Manley et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl.P-4-4
MMP

Cherokee freed-
man D 353

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Maude Manley et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

C. D. Rodgers.
Acting Commissioner.

Incl.P-4-5
MMP

Muskogee Indian Territory, May 6th 1905

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony of Lydia Burton, L B Bell, Tomey Glass & Jo Monley in the Case of Ella Monley et al D. 353

Brown & Dunn
Attorneys for Applicant.
Vinita, I.T.

K 2353

[illegible] TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 17 1901

[illegible]

ACTING CHAIR[illegible]

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Maud Manley et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of May 18th, 1901 and one copy of the supplementary testimony of May 28th, 1901.

Mullette Smith

Attorney for Applicants.

Cherokee F. #D353.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.
Penalty for private use, $300.

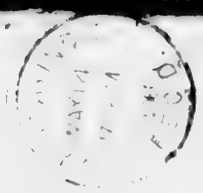
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE
MAY 1 1900

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, I. T.
MAY 14
11 — A

PENALTY FOR PRIVATE USE $300

Maude Manley,
Vinita, Indian Territory



Cher Fr R 866

Trans. from Cher Fr D 355

Cher Fr R 866

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE GENERAL LAND OFFICE.
FILED
APR 1901
ACTING CHAIRMAN.

355

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 18, 1901.

In the matter of the application of Dennis Hicks for the enrollment of himself, his wife, and five children as Cherokee Freedmen.

Dennis Hicks, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dennis Hicks.
Q How old are you? A I am 52 years old the 15th of June.
Q What is your post office? A Vinita.
Q In what district do you live? A Cooweescoowee; well I live in Saline, or Delaware it is; my home is in Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir, not unless you will accept my certificate; I am not a freedman.
Q You want to apply? A Yes, sir, I want to apply.
Q As a Freedman? A No, sir, intermarried.
Q You are an African are you? A Yes, sir.
Q Who is it you want to apply for besides yourself? A Five minor children.
Q And have you a wife you want to apply for? A She will apply for herself I guess.
Q We would rather the family would come together? A Well.
Q You apply for yourself, your wife and five minor children?
A Yes, sir; the wife of them children though is dead.
Q You apply for yourself as an intermarried man do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here since 1872.
Q How many times have you been married? A Twice.
Q Give me the name of your first wife? A Mary Ridge.
Q Is she dead? A Yes, sir.
Q What was she, a Cherokee Freedman? A Yes, sir.
Q When did you and her marry? A 1872.
Q How long has she been dead? A Been dead four years.
Q Did you and she live together until she died? A Yes, sir.
Q What was the name of her father? A Henry Ridge.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 18 years.
Q Give me the name of her mother? A Katie Ridge.
Q Is she dead? A No, sir.
Q Did you get out a Cherokee license when you married this woman?
A Later on I did; a preacher married me in the first place.
Q Have you that license? A Yes, sir.

Commissioner: The applicant presents a license issued by the Clerk of Cooweescoowee district, December 18, 1892, as well as it can be made out, authorizing marriage between himself and Mrs. Mary Hicks, nee Ridge. The certificate shows that they were united in marriage on the 18th day of December, 1892, by the Rev. A. W. Lewis, and it is endorsed as having been recorded on the 18th day of December, 1892. This is filed herewith.

By J. S. Davenport, Cherokee attorney: The representatives of the Cherokee Nation present protest against the introduction of the marriage certificate, under §659, page 388, of the Compiled laws of the Cherokee Nation of 1892.

Commissioner: This protest will be considered in the final determination of the case.

Q Now give me the name of your second wife? A Her name is Bettie Holt.
Q Is she living now? A Yes, sir.
Q Was this first wife ever married except to you? A No, sir.
Q How old is your present wife? A She is 55 years old.
Q When were you and she married? A About 3 years ago.
Q Have you a certificate of marriage? A I have at this Court

down here, I haven't it with me, it is down at the house.
Q You claim that Bettie Holt is a Cherokee Freedman? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A I can't tell you how long, all her life though pretty near I suppose.
Q Give me the name of her father? A I don't know him, sir.
A Give me the name of her mother? A Her name is Easter Hill.
Q Is she alive? A Yes, sir.
Q Was this wife ever married before she married you? A Why I think so, I didn't know.
Q Give me the names of these children, begin with the oldest; these five children.
A Commence at Leroy Hicks.
Q How old is that child? A He is about 19 years old.
Q What is the next child? A Dennis Hicks, Jr.
Q How old is Dennis? A Dennis is about 17, going on 18 I believe he is.
Q Give me the name of the next child? A The next one is Delana Hicks.
Q How old is that child? A She is about, I think she is at 14 years old.
Q Give me the name of the next child? A Mabel Hicks.
Q How old is that child? A She is about 12.
Q The next child? A Elmer.
Q How old is that child? A Nine, going on 10.
Q Are these children all living now? A Yes, sir, all at home.
Q Are these children of your first wife? A Yes, sir.
Q Are you on any roll of the Cherokee Nation? A Me myself, no sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant, Dennis Hicks, nor Mary, his first wife, not identified on said roll.
The 1880 authenticated roll of Cherokee Freedmen examined and applicants not identified thereon.

Q Did your wife ever draw Cherokee strip money? A Yes sir.
Q Did you draw Cherokee strip money for these children? A Yes, sir; no, sir, they didn't give her this last money; the children did.

The Kerns-Clifton roll examined, and the applicants identified thereon as follows:
Dennis Hicks not on said roll.
Mary Hicks not on said roll.
Leroy Hicks on page 120, No. 2976, Delaware district;
Dennis Hicks, Jr., on page 120, No. 2977, Delaware district, as Dennis Hicks;
Delana Hicks on page 120, No. 2978, Delaware district, as Delaney Hicks;
Mabel Hicks on page 120, No. 2979, Delaware district;
Elmer Hicks on page 120, No. 2980, Delaware district.
The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Bettie Hicks not identified thereon.
The Kerns-Clifton roll examined, and the applicant Bettie Hicks identified thereon, page 163, No. 4035, Cooweescoowee district, as Bettie Holt.

Commissioner: What I would like particularly to know at this point is the status of the applicant's first wife, whereby hinges whatever claim she may have as an intermarried man and the claims of all these children.

Mr. Edgar Smith, attorney for applicant: That is what I want to clear up.

Mr. Smith: Who was your first wife? A Mary Ridge.
Q Who was her mother? A Katie Ridge.
Q Who was her father? A Henry Ridge.
Q Did she have any sisters or brothers? A Yes, sir.
Q Who were her sisters and brother? A Cornelius Ridge, Phoebe Ridge, and Jesse Ridge, he is dead though.

Q Do you know Katie Ridge yourself? A Yes, sir.
Q How long Haveyou known her? A I knowed her first in time of the war.
Q Where does Kate Ridge live now? A She lives on the river.
Q What river? A Grand River.
Q How far from Vinita? A About 16, about 18 miles.
Q Has she been here during the sitting of the Commissionat this place? A Yes, sir.
Q Do you know whether she made an application for the enrollment of herself or not? A Yes, sir.
Q How long did you and your wife live together here in the Cherokee Nation? A We lived together about 29 years in all; no, we lived together, been 29 years since we married; it is about 29 or '7 years.
Q Was that up to the time of her death? A Yes, sir, up to the time she died.
Q Where did she die? A Here in Vinita; I don't know just exactly how many years.
Q You yourself don't know where your wife was during the war or in 1868? A Why she was during the war at Springfield.
Q Do you know of your own personal knowledge when she came back?
A They came back right after the war; they left the place where they were and said they were coming to the Nation, that is all I know about it.
Q What place was that? A Springfield, out in the country about four miles from Springfield; we lived right on the same house; we lived in that house about a year together.
Q When was it they said that, when did they leave and tell you they were coming back? A They year after they brought corn in down here to Gibson for the Indians, my father-in-law was hauling corn down here for them, and the next fall they moved, said they were coming to the Nation.
Commissioner: That was Springfield, Missouri? A Yes, sir.
Mr. Smith: Are you able to state what year that was in? A That was the year the war closed they hauled the corn in, and the next fall they moved.
Q And said they were coming to the Cherokee Nation? A Yes,sir; I didn't see them for a good while after that.
Q And when did you next see her? A When I came here in 1872, or I first met them again in Joplin, that is before I came down here, and I married down here in 1872.
Q Where did you marry? A Down here on Grand River.
Q Have you lived in the Cherokee Nation ever since that time?
A No, sir, I haven't; I went backwards and forwards to Joplin, I took my family up there once, they were up there about two months, came to visit me; I was a blacksmith and I had to work out for a living.
Q And you were there about how long? A She was there about two months, I was there about six months.
Q Is there anyone here who knows who your wife's mother was?
A Yes, sir, everybody present.
A Well we don't want all of them; who knows who your wife's mother was? A I can use Fred Martin and Mrs. Amy Bean.
Mr. J. S. Davenport, Cherokee Attorney: How long have you lived back and forth at Joplin? A I worked back and forth there about three or four years myself; the most of the time she was away, all the time, and I wasn't there, I never was away from here but a few months at a time.
Q That was your place of business, of work? A Yes, sir, yes sir, there is where I worked.
Commissioner: What was your wife doing up at Joplin at that time?
A They lived up there a little while, they were living up there.
Q How far is Joplin from Sprin field? A It is 75 or 80 miles.
Q How long had you been there when you met them at Joplin? A No,

they were there when I went there, there was a great boom there and I went down there.

Q In what year was it you moved? A That was in '72.

Mr. Davenport: You say they were living there when you moved over there? A Yes, sir, they hadn't been there long though.

Q How long did they stay there after you met them? A They came right away that fall, I went down in the spring and they came away that fall.

Q How do you know that? A They said they hadn't, I don't know anything about it.

Mr. Smith: You stated I believe, when they left Springfield the first time they stated they were coming to the Cherokee Nation?

A Yes, sir.

Mr. Davenport: The next time you saw them after they left Springfield and said they were coming to the Cherokee Nation, was at Joplin, Missouri? A Yes, sir, that was a good while after they left Springfield.

Q They left Springfield and said they were coming to the Cherokee Nation, but the next time you saw them was in Joplin, Missouri, and in the same state of Missouri? A Yes, sir.

Amy Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Amy Bean.

Q How old are you? A 45.

Q What is your post office? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Mr. Smith: Do you know Dennis Hicks, the applicant in this case?

A Yes, sir.

Q How long have you know him? A Well, I really don't know, I guess about 27 or 8 years ago I first got acquainted with him.

Q Did you know his first wife? A Yes, sir.

Q What was her name? A Mary Hicks.

Q What was her name before she married him? A Ridge.

Q Who was her mother? A Kate Ridge.

Q Where does Kate Ridge live now? A She lives on yonger side of Grand River.

Q What post office? A Spavinaw I think that is her post office name.

Q Do you know whetehr she is the same Kate Ridge who applied here the other day for enrollment? A Yes, sir, she is the same one applied up at the other table.

Mr. Smith: I will just ask to have the copies of the testimony in the Ridge case filed with this case.

Fred Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Fred Martin.

Q How old are you? A 45.

Q What is your post office? A Spavinaw.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know Dennis Hicks the applicant here? A I do.

Q Did you know his wife, his present wife? A Yes, sir.

Q What is her name? A Bettie Hicks; it was Bettie Holt before he married her.

Q How long has he been married to her? A I don't know just exactly how long he has been married, something over 8 years.

Q Do you know them as husband and wife? A Yes, sir.

Q They are living together in that way, are they? A Yes, sir.

Q They are recognized in the community as husband and wife?

A Yes, sir.

Q How long have you known her? A Well, I don't know, I have known her a long time.
Q Was she ever married before she married this man? A I don't know
Q Has she any children? A She has one to my personal knowledge.
Q But you don't know whether she has ever been married or not?
A No, sir, I don't know whether she has ever married.
Q Have you ever known her to live with another man as husband wife?
A No, sir, except Dennis.

Dennis Hicks, recalled, testified:
Mr. Smith: Dennis, your present wife claims to be entitled to be enrolled upon the freedman roll in her own right? A Yes, sir.
Q What proof does she depend upon in her case: is that proof present this evening or not? A I don't know that it is, I think they are out west somewhere.
Q She will have to get that proof and make it in additional to the proof in your case,, and it will all be one case then.

Commissioner: The applicant applies for the enrollment of himself, his wife and five minor children. The applicant is shown by the marriage license and certificate filed herewith to have been married in accordance with Cherokee law to his first wife, now deceased, one Mary Ridge, in 1893, they having previously been married according to the testimony, under United States law. The applicant is a colored man and he claims as a Cherokee Freedman by intermarriage. He states that neither he or his first wife were ever previously married. He is not upon any roll, and his first wife is not upon the roll or 1880 or upon that of 1896, or upon the Kerns-Clifton roll.

Q How old was your wife Mary Ridge when she died? A She was about 42.
TheWallace roll examined, and Mary Hicks identified thereon, page 118, No. 2485, Coowescoowee district.
She is identified on the Wallace roll. Reference is made to the testimony as to her status, and also to the case of her mother, Katie Ridge, Cherokee Freedman Doubtful card D-295, and the applicant will now be listed on a doubtful card as a Cherokee Freedman by intermarriage.
His present wife, for whom he makes application, Bettie Hicks, is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or 1896. But little testimony has so far been taken in her case, and to await further identification of the status of this woman, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's marriage to his second wife will also enter into his own right as far as he may possess a right by intermarriage, and it has been established by satisfactory testimony, but it is not entirely clear whether she was previously married or not, so far as it may affect his rights.
As for the five children named in the testimony, they are all five identified on the Kerns-Clifton roll. These are the applicant's children by his first wife, Mary Ridge. They are living and to await the determination of her status, and for the further consideration of their case, they will now be listed for enrollment as Cherokee Freedman on a doubtful card.
The final decision of the Commission will be made known to the applicant at his post office address.

Mr. Smith: Do you know whether your present wife was ever married before she married you? A I don't know, sir.

Dennis Hicks - 6.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 20th of May, 1901.

C. Wheelwright

Commissioner.

B. F. D. 335.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 18 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 18, 1904

Post Office Vinita I.T.

District Cooweescoowee

1. Name Dennis Hicks, Jr. Age 52

Owner's name Citizenship

Year — Page — No. — District —

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Betty Hicks Age 56

Owners name Citizenship

Year R.C. Page 163 No. 4035 District Cooweescoowee

Parents:

Father Citizenship

Mother Easter Holt - living Citizenship

Names of Children:

3.	Leroy Hicks	Year R.C.	Page 120	No. 2976	Dist. Del.	19
4.	Dennis " Jr.	Year "	Page 120	No. 2977	Dist. "	17
5.	Delaney "	Year "	Page 120	No. 2978	Dist. "	14
6.	Mabel "	Year "	Page 120	No. 2979	Dist. "	12
7.	Elmer "	Year "	Page 120	No. 2980	Dist. "	9
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by MS.P Stenographer B.C. Jones

2 On R.C. roll as Betty Holt.
4 On R.C. roll as Dennis Hicks
5 " " " " " Delaney "

XRef. D295 —

Mellette & Smith, Attys for applicants

DOUBTFUL

CHEROKEE NATION, I. T.
Coweeskoowee District.

I A W Lewis a Minister of the Gospel hereby certify that on the 12 day of Dec 1892, I joined in Marriage, Mr. Denis Hicks a citizen of the United States, and M Mary Ridge a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 12 day of Dec A. D., 1892

A. W. Lewis

Indian Chieftain Print, Vinita, Ind. Ter.

Recorded on Page 151 Record 1896 "B" Marriages for Delaware District

This 12th day of Dec 1892.

Chas. Crowe Clerk

Chas. Crowe Clerk 1896

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
18 1901

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.
Coweeskoowee District.

To Any Person Legally Authorized to Solemnize Marriage---Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, *and to celebrate the rites and ceremonies of* Marrage, *between Mr.* Dennis Hicks *a citizen of the United States, and* Mrs. Mary Hicks, Sen Ridge, *a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this* License *to me, for record, within thirty days from the celebration of such* Marriage *with a Certificate of the same appended thereto and signed by you.*

Given under my hand and Seal of Office this the 12th *day of* June *A. D., 189*8

H. F. Faulk
Clerk Cooweeskoowee District.

CHEROKEE NATION, I. T.
Coweeskoowee District.

I A W Lewis a Minister of the Gospel hereby certify that on the 12 day of Dec 1892, I joined in Marriage, Mr. Denis Sticker a citizen of the United States, and M Mary Ridge a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 12 day of Dec A. D., 1892

A. W. Lewis

Indian Chieftain Print, Vinita, Ind. Ter.

Recorded on Page 154 Record 2076 "B" Marriages for Cherokee Nation

Doick 6.26

this 12th day of Dec 1892.

[illegible]

Chief Cherokee Nation

Doick 6.26

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
18 1901

SUPPLEMENTAL as to BETTIE HICKS, D 355

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the enrollment of Bettie Hicks as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Bettie Hicks.
Q How old are you? A Going on 58.
Q What is your post-office address? A Vinita.
Q What district do you live in? A I live in two districts, Coowee scoowee and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Mama was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q She married? A Yes sir.
Q She can apply for herself, have you any minor children you desire to apply for? A No sir.
Q Have you any witnesses here? A Yes sir.
MR. SMITH:
Q Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes sir.
Q Is she the same Easter Holt who applied here yesterday? A Yes sir.
Q Have you any brothers and sisters? A Yes sir, Sallie Miller, Josh Holt, Tecumseh Holt, Mose Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes sir.
Q In the Cherokee nation? A Yes sir.
Q Where were you at the time the Civil War commenced?
A At Webbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes sir.
Q Did you go out of the cherokee nation? A Yes sir.
Q Where did you go? A Fort Scott.
Q When did you return to the Cherokee Nation first after the war?
A June, '66.
Q Where did you go to? A Mt. Gibson.
Q How long did you stay about Mt. Gibson at that time? A I were there something, over a year.
Q About how old were you at that time, in June, '66? A I don't know just how old.
Q Well were you grown? A Yes sir, young woman.
Q You were not married? A No sir.
Q When did you marry first? A I didn't marry.
Q You are married now? A Yes sir.
Q How long have you been married? A Three years, September.
Q Up to the time you married three years ago, you what occupation did you have, what was your business? A Just worked around.
Q What kind of work did you do? A Any kind of work, worked in hotel most of the time, Chamber work.
Q You were a Chamber maid? A Yes sir.
Q How long have you lived at Vinita? A I have lived in Vinita off and on since '79, up until '82, I left there, and then I went away and come back 12 years ago.
Q After you came back to Mt. Gibson, in '66 I believed you stated that you remained there about a year? A Yes sir.

Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to Big Creek where my mother was.
Q Where is Big Creek? A Up here,(Indicating.)
Q What nation is it in? A Cherokee nation.
Q Do you know of your own knowledge when your mother and brothers, Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.
Q Left them where? A Ft. Scott.
Q What was your uncle's name? A Andy Daugherty.
Q You don't know actually when they reached the Cherokee Nation yourself? A No sir, but time I left them they were fixing to go away and I went to Ft. Gibson.
Q You didn't come back with them? A No sir, they went with my uncle, and I went to Ft. Gibson, because my sister was down there.
Q What was your sister's name? A Sallie Miller, is her name now.
BY MR. DAVENPORT:
Q You went with your sister? A No sir, my sister went first to Ft. Gibson.
Q How long after your sister went to Ft. Gibson was it before you went? A Not very long.
Q Year or such a matter? A No sir.
Q You went to Ft. Gibson and stayed awhile, and then you went back to Ft. Scott? A Yes sir.
Q How long did you stay at Ft. Scott when you went back the next time? A Couple ofmonths, probably longer.
Q When you left Ft. Scott that time where did you go? A I went over to Big Creek.
Q To what point on Big Creek did you go? A Where my Uncle Andy lived.
Q Where was your mother at that time? A At Uncle Andy's.
Q In what country? A Cherokee Nation.
Q What part of the Cherokee nation? A On Big Creek there.
Q Was she near, what is known as the Fall leaf place was? A Close to there somewhere.
Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.
Q You have never heard of that name? A Yes sir, but I didn't know anything about him.
Q When you left Big Creek where did you go? A I came down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency, in the Creek Nation.
Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee.
Q How long did you stay at Parsons? A Two years.
Q Parsons, Kansas? A Yes sir.
Q Then where did you go? A To Muskogee.
Q How long did you stay in Muskogee that time? A About five years.
Q After you stayedin Muskogee five years where did you go? A To Vinita.
Q That was the time you speak of being in Vinita in '79? A Yes sir.
Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Eureka Springs, I was sick, and came back in 1880 and worked for Henry Siffert.
Q You have been out since that time? A On a visit.
Q You have never been anywhere since 1880? A Just when I would go out to work.
Q How long have youworked out in seasons since that time?A I don't know.
Q You have been out several years, you worked at different places? A Yes sir, just little [illegible]

[illegible]

Bettie Hicks 3

Q What places have you worked since ~~the time~~ that time, in the states? A I haven't worked anywhere.
Q You haven't been anywhere since 1880? A Yes sir, I was out, I left there about '82.
Q Where did you go then? A I don't know where I did go.
Q When did you come back to Vinita after you left there in 1880? A In '89 I think.
Q And have been living there since that time? A Yes sir, right there, sir.
Q You don't know anything about when your mother came back to the country do you, as to what year it was? A No sir, I don't.
Q You know your sister Sall is came back before you did? A Yes sir
Q You don't know when your brother's came? A They was with my mother, three little brothers.

BY COM'R NEEDLES:

Q When were you married? A It will be three years in September.
Q That your first time? A Yes sir.
Q When you were going out, in your testimony to Mr. Davenport, going out in the States working, were you a single woman? A Yes sir.
Q Your mother have a home at that time in the Territory? A Living with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be on the 1880 roll, but if can't be found.
Q On any other rolls? A On the Clifton roll.
Q What was your name before it was Hicks? A Holt.
Q What is your mother's name? A Esther Holt.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q You say you have grand children? A Yes sir.
Q I thought you said you were never married to anybody but Mr. Hicks, four or five years ago? A It will be three years in September, ~~when~~ I have one daughter.
Q Has your daughter applied to be enrolled? A No sir, not yet.
Q She has got a child? A She has four children.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 20, 1901.

Commissioner.

REMAINDER OF THIS CASE TAKEN BY STENOGRAPHER, J.O.ROBSON.

June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of BETTIE HICKS. Former portion reported by Stenographer M. D. Green.

APPEAR ANCES:
MESSRS SMITH & MELLETTE, for Applicant.
MR. DAVENPORT, for Cherokee Nation.

POLLY NIVENS, being duly sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. SMITH, of Counsel for Applicant:

Q State your name? A Polly Nivens.
Q Where do you live? A Fort Gibson.
Q How long have you lived there? A All my life.
Q Do you know Be ttie Hicks this applicant? A Yes, sir.
Q How long have you known her? A I known her just a while before the war.
Q Was she a slave? A Yes, sir.
Q Whom did she belong to? A Old lady Holt I suppose.
Q Was Mrs. Holt a Cherokee? A Yes, sir.
Q Where did she live before she war? A She lived at Webbers Falls on this side of the river.
Q Where was this applicant, Bettie Hicks at the time the war commenced, do you know? A I don't know, sir.
Q How long before the war had you seen her there at Holt's?
A It was a good little while before the war; when the steam bots was running she was coming up to my Mistress' on a visit.
Q Do you know how long that was before the war?
A No, sir, I don't.
Q When did you see this applicant, Bettie, in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
Q When was that? A That was when the Refugees was drawing; I was in there cooking for the refugees, cook for the Commissary Clerk.
Q What were the Refugees doing? A They was issuing rations and the Clerk was issuing rations to them and I was cook for him.
Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
Q ~~Did you remain~~ Had you been out or remain in the Nation?
A I remained in the Nation; I just went out on ~~Eng~~ Ryiar Town and come back before peace was made.
Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and freedman too.
Q Are you a recognized citizen? A Yes, sir.
Q On the 1880 roll? A Yes, sir, always has been.
Q Can you state what yeat it was that they were issui g those rations? A N o, sir, I can't exactly state, it was just after pease was made and they ordered them all to come in.
Q When you saw her? A Yes, sir.
Q How long did they issue these rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and begin; I could not tell how long I cooked about tw years right along there.
Q Right ~~soon~~ soon after peace was declared A Yes, sir, right after peace was declared.

BY MR. DAVENPORT:

Q Was she a grown young woman then? A Yes, sir.
Q Now, you saw her owner one time before the war when her Mistress

come up to your Mistress' house? A Yes, sir.
Q What was she doing ~~a~~ there? A She was waiting on her.
Q How many girls would she usually carry with her? A She sometimes ~~[illegible]~~ ~~[illegible]~~? ~~A~~
times would have one.
Q How many ~~[illegible]~~ waiters did she have yp there? A One.
Q Didn't you testify in the Sallie Miller case yesterday? A Yes, sir.
Q Now when you testified in that case yesterday, didn't you testify that Sallie Siller was ~~xx~~ with Mrs. Holt when she visited your mustress at Fort Gibson as the waiting girl for Mrs. Holt?
A Yes, sir, that is right.

BY MR. SMITH:

Q Did Mrs. Held; what do you mean by that, now you saw Mrs. Holt brought Sallie up there? A Sometimes bring Sallie and sometimes bring Bettie.
Q Did she make more than one visit? A Yes, sir, she visited more than once.
Q Well when you spoke of Mrs. Holt having brought Sallie up there as her waiting girl was that the same trip you are talking about now? A No, sir; they come up several times, come on the steam boat named Pilot.

BY MR. DAVENPORT:

Q They came quite often to visit Mrs. Nivens? A Several times, we went down there several times.
Q She carried you with her? A No, sir, not every time.
Q Then you have been down there and seen her? A Yes, sir; I have been ro Mrs. Holt's that is right.
Q And Holt's lived in Flint District didn't they? A The Holts I am talking about lived at the falls.
Q You don't know whether they had ever lived up in Flint District?
A No, sir.

HARRY STILL, being sworn and examined testified as follows:
BY MR. SMITH:

Q State your name? A Harry Still.
Q Where do you live? A Hayden.
Q How old are you? A 54.
Q Do you know this applicant, Bettie Hicks? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q ~~Do~~ you know whom she belonged to? A Belonged to Bil Holt.
Q ~~Was~~ ~~x~~ he a citizen of the Cherokee Nation? A Yes, sir.
Q When did you first see this applicant, Bettie Hicks, in the Cherokee Nation after the war? A About '79 I believe.
Q Where was that? A Vinita.
Q Have you kno wn her, or rather have you known anything orf her whereabouts since that time? A Yes, sir.
Q Have you seen her often or a few times? A Often from the time I come to Vinita.

BY MR. DAVENPORT:

Q Where was Bill Holt living when you knew this woman at his place?
A His home was, Bill Holt, was down here on the Arkansas, where I saw this woman.
Q What part of the Arkansas? A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Candian District, I reckon.
Q Near what point that you can name? A It was not far from the old ranch there.

Q I don't know where the Whitmire Ranch was? A It was on the Arkansas river there, I know I saw Bettie distinctly.
Q On what side of the Arkansas did you see this Bettie as a Slave of Bill Holt? A I don't know which side; I think it was on the other side;
Q You were there at his place wasn't you? A No, sir, he was at our place.
Q Did he have all his darkies down there? A He didn't have all of them, I saw Bettie.
Q Where was Bettie when you saw her? A I don't know.
Q How old was she when the war broke out? A She was grown woman.
Q Grown woman? A Looked like to me.
Q And you don't know where it was you saw her? A I don't know; I know distinctly I saw her when I went to Kansas.
Q How many sisters had Bettie? A She had Sallie.
Q Which is the older Sallie or Bettie? A I don't know, I think Sallie is the oldest.
Q And you don't know which side of the river Bill Holt's place was on? A No, sir.
Q Which side of the river was Whitmire's ranch? A On the North side.
Q And Vian Creek? A On this side I reckon.
Q And on which side of the river was Bill Whitmire's ranch on?
A On the East side, towards Fort Smith.

COM'R NEEDLES: In this action the Attorney for the applicant prays that the testimony taken in the case of the application of Joshua Holt for enrollment as a Cherokee Freedman be made a part of the record in the case at bar; said Joshua Holt having been listed for enrollment on Doubtful card #644, and ~~the~~ a copy of said testimony will be filed with the testimony taken in the case of the applicant.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 24th day of June, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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said that was the [illegible] A That was along in the fall of '88, I think it was.

Q What year was that? A [illegible] 1888 then? A Yes, sir.

Q You saw her in the fall of 1888 then? A Yes, sir.

Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.

Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1888? A Yes sir.

Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.

Q Simon who? A Simon Lynch.

Q Did you know them before the war? A No sir, he knew them.

By L. B. Bell, Cherokee attorney: Where were you going in '88?

A Going up to Southwest City.

Q How far is Southwest City from where they were living? A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.

Q About what time of the year was it? A It was along in the fall time.

Q Can you recollect, early or late? A It was early, it wasn't so cold, I know we slept out, we were going up there.

Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.

Q You went on there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri?

A It was in Missouri or Arkansas, I don't know which, it was across the line.

Bruce. Jones, being duly sworn, says that as stenographer to the commissioner to the Five Civilized Tribes he correctly recorded the testimony in the above case, and the foregoing is a

F[illegible] with Dennis Hicks, C.F. D-355.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15th, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 84, I was 16 when the stars fell.
Q What is your postoffice address? A Spavinaw.
Q ~~Barnes~~ Is that in Delaware district? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.
Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since1866?
A Not all the time; when we come back we staid a little while and then went to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you go from Springfield to Joplin or did you come here first?
A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.
By L. B. Bell, Cherokee representative:
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge.
Q Did you know old Peter? A Yes sir he was my brother in law.
Q Did you know Dr. Polston? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was staying down to Polstons then and then back to Fayetteville. Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville?
Well [illegible] was lived there away after they killed John Ridge, she

went from Honey Creek on to near Bentonville then.
Q How long did you live on that farm? A I dont know.
Q When did Polston live on that farm? A I don't know exactly.
Q How long had he been living there when the war broke out? A I don't remember.
Q Several years? A I dont know.
Q You dont know nothing about it? A I dont know of him all the time.
Q Herman Ridge lived in Washington County Arkansas didn't he?
A No sir.
Q Well tell me where he lived then? A In Fayetteville.
Q That is in Washington county? A I didn't know.
Q He was Mrs. Ridge's son? A Yes, sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband Henry?m A He is dead, he died in Small pox time.
By the Commissione
Q Where did your master die when he was killed? A Somewhere in the Territory - he was in the Southern Army.
Q Washe married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:
Q What is your name? A Simon Lynch.
Q How old are you? A 71.
Q What is your postoffice address? A Spavinaw.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I don't know how long it has been, I knew her before the war.
Q Who did she belong to? A Mr. Ridge.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes, sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war?
A I dont know.
Q Where did you first see her after the war? A On Honey Creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed? A Imdont know.
Q Do you know of him ever living outside of the Chero ee Nation?
A I think he did.
Q Was he living in Arkansas? A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother?
A I don't know.
By L. B. Bell:
Q What time of the year was it you sawthe applicant on Honey Creek in '66? A The summer of '66, I dont know just what time, but it was in the summer time.
Q What was you doing there? A I went to Southwest City.
Q You saw this woman there? A At the old place. Dr. Somebody owned it then.

Q Was he there? A No sir.
Q How far is that from Southwest City? A Taint very far, I dont know exactly.
Q Is it half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times before.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge.s every time I went to the shop.
Q Where did you go to from the shop? A On Baties Prairie.
Q Where did you come here first after the war? A The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here? A In February.

APPLICANT recalled; Examined by Commissioner Needles:
Q Did you get your strip money?, A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows: Page 156, No. 1563, Katie Ridge, Cooweescoowee district.

By Com'r Needles: Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880, and from the further fact that her citizenship i is contested by the Cherokee representatives. When the Commission arrives at a conclusion in her case she will be notified by mail.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise

Subscribed and sworn to before me this the 18th of May, 1901, at Vinita,.I.T.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the applica ion of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.
Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner Needles, testified as follows:
Q Your name is Anderson Lynch? A Yes, sir.
Q How old are you? A About 64.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You know Katie Ridge? A I didn't know her when I first saw her, when I first saw her they were up there on Honey Creek and someone

said that was the Ridges.

Q What year was that? A That was along in the fall of '66, I think it was.

Q You saw her in the fall of 1866 then? A Yes, sir.

Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.

Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes sir.

Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.

Q Simon who? A Simon Lynch.

Q Did you know them before the war? A No sir, he knew them.

By L. B. Bell, Cherokee attorney: Where were you going in '66?

A Going up to Southwest City.

Q How far is Southwest City from where they were living? A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.

Q About what time of the year was it? A It was along in the fall like.

Q Can you recollect, early or late? A It was early, it wasn't so cold, I know we slept out, we were going up there.

Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.

Q You went on there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri?

A It was in Missouri or Arkansas, I don't know which, it was across the line.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 16th day of May, 1901.

Signed, C. R. Breckinridge,

Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the above is true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this the 27th of July, 1901.

Tams Bixby

Commissioner.

Commissioner.

To be filed in CFD- 353 Dennis Hicks et al

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. SMITH:
Q Where do you live? A I live in Saline District, Cherokee Nation
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
Q Yes, sir, she did.
Q What sister did you have? A Phoeba and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did marry marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q When did you come back to the Cherokee Nation first after the war? A Come back in '66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, what members of your father's and mother's were with you; you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoeba and Mary and a brother, Jesse.
Q Is Jesse alive A No sir, he is not alive.

Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3865, Cornelius Ridge, Cooweescoowee District.
Page 157, #3880, Pearl Ridge, Cooweescoowee District.
Page 157, #3881, Jesse Ridge, Cooweescoowee District.
Page 157 #3882, Myrtle Ridge, Cooweescoowee District.

The Wallace Rollof Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 153, #3185, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Nowata? A Yes, sir.

BY MR. HASTINGS:
Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother ~~xx~~ at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect thoughit is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your Mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's Prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me

like there was an orchard; might have been, I won't be sure.
Q Who did you say your Master was? A Herman Ridge.
Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.
Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.
Q Well, where was he living just before he joined the army?
Q I don't know sir, I could not tell you?
Q Well now, you came back here did you with your father and mother?
A Yes, sir.
Q Now what was the first point you came to? A In the Nation?
Q Yes. A On Honey Creek.
Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old home? A Yes, sir.
Q You come right back to the old home didn't you? A No, sir, not right exactly.
Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q That was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q Whatis your oldestchild's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No, sir; he is younger
Q And where was Ida born? A Ida was born on Grand river.
Q Near what place? A On Lynch's prairie.
Q How long after the war was it until you come down to Lynch's prairie? A How long after the war you ask me?
Q That is the question. A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sira
Q And you lived there you say about two or three months? A Yes sir.
Q Now, what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.
Q Did you go to the old place while you were there? A Polston place; yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure; let me think over that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there? A No, sir, I don't remember any one.
Q Where did youget anything to eat? A Brought provisions with us.
Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Q You never worked for anybody? A Never done a day's work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewheres along about there.
Q Were you up about that town there while you were down there on Honey Creek? A No, sir.
Q You didn't go to any town? A No, sir; what do you mean, Southwest City?
Q Yes, sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.
Q None except polston? A No, sir, that I can remember now.
Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know of.
Q Was there any field connected with your house you lived in?
A No, sir.
Q What did you get water out of, creek, spring or well?
A Spring.
Q What direction was the spring from the house? A Well, sir, I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the home place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife # your sister? A Yes, sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.
Q Did she go this round with you? A Yes, sir.
Q Your mother was with you? A Yes, sir.
Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes, sir, I think she was.
Q Well, now in all these round you went your father and mother and all the members of your family would go with them? A Yes, sir.

BY MR. MEREDLES:
Q Well, you apply for your wife as an intermarried citizen do you?
A Yes, sir.
Q When were you married to her? A I don't know sir, about '67 I guess.
Q Have you been living withher continuously since that time?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q Where were you married? A Married in Missouri.
Q She is a state woman? A Yes, sir.
Q Where were you living in 1867? A In Missouri.
Q Broug t your wife back with you when you come? A Yes, sir.

BY MR. HASTINGS:
Q Joplin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:
Q Mr. Cornelius, did you leave the Cherokee Nation after you came here in 1866; how long did you stay here in 1866? A We came in the [illegible] and left after Christmas.

Cornelius Ridge et al 5.

Q Were you a marriedor unmarried man at the time you came here in 1866? A Unmarried.
Q Why did you leave the Nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go to? A Went to Joplin, Missouri
Q How long did you stay there? A About three or four years, I presume.
Q And then where did you go to? A Came on Grand river.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since? A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came? A Yes, sir.

BY MR. HASTINGS:
Q What time did you say you came back? A From Missouri?
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

COMR NEEDLES:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedmen card D #355, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D. Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this June 17th. 1901.

(signed) T.L.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

Subscribed and sworn to before me this September 5th, 1901.

Commissioner.

To be filed in CFD-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May, 15th 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 84, I was 16 when the stars fell
Q What is your post office address? A Spavinaw.
Q Is that in Delaware District? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes, sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then came back here again.
Q Did you grow from Springfield to Joplin or did you come here first? A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By T. B. Bell, Cherokee Representative:
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayettsville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge
Q Did you know old Peter? A Yes sir he was my brother in law.
Q Did you know Dr. Polson? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was

down to Polstons then and then back to Fayetteville Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville? A My Mistress lived there away after they killed John Ridge, she went from Honey Creek to near Ben' nville then.
Q How long did you live on that farm? A I dont know.
Q When did Polston live on that farm? A I dont know exactly.
Q How long had he been living there when the war broke out? A I dont remember.
Q Several years? A I dont know.
Q You dont know nothing about it? A I dont know of him all the time.
Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.
Q Well tell me where he lived then? A In Fayetteville.
Q That is in Washington county? A I didn't know.
Q He was Mrs. Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband ~~xxxx~~ A Henry? A He is dead, he died in small pox time.

By the Commission-
Q Where did your master die when he was killed? A Somewhere in the Territory- he was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir..

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.
Q How old are you? A 71.
Q What is your post office address? A Spavinaw.
Q Are you a recognized Freedman of the Cherokee Nation? A Yessir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I dont know how long it had been I knew her before the war.
Q Who did she belong to? A Mr. Ridge.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war? A I dont know.
Q Where did you first see her after the war? A On Honey creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed? A I dont know.
Q Do you know of him ever living outside of the Cherokee Nation? A I think he did.
Q Was he living in Arkansas? A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother? A I dont know.

By L.H.Bell:

Katie Ridge 3.

Q What time of the year was it you say he applicant on Honey Creek in '66? A The summer of '66, I dont know just what time, but it was in the summer time.
Q What was you doing there? A I went to South West City.
Q You saw this woman where? A At the old place, Dr. Somebody owned it then.
Q Was he there? A No sir.
Q How far is that from South West City? A Taint very far, I dont know just exactly.know exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Baties Prairie.
Q Where did you come here first after the war? A The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Cooweescoowee District.

By Com'r Needles,-
Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, I. T.

(signed)T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

MD Green

Subscribed and sworn to before me this September 4th, 1901.

Commissioner.

Supplemental D-205

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, [illegible]

In the matter of the application of Willie Ridge
to be enrolled as a Cherokee freedman.

Supplemental testimony.

Applicant present, by his attorney.
Cherokee Nation present, by its attorney.
ALDERSON LYNCH, being duly sworn and examined by the Commissioner, testified as follows:

Q. You were in Adamson Bunch? A. Yes, sir.
Q. How old are you? A. About 24.
Q. What is your post-office address? A. Vinita.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
Q. You know Willie Ridge? A. I didn't know her when I first [illegible]. When I first saw them they were up there on Honey Creek [illegible] said that was the Ridges.
Q. What year was that? A. That was along in the fall of [illegible] I don't it was.
Q. You saw her in the fall of 1896 then? A. Yes, sir.
Q. Have you known her since that time? A. Yes, sir, [illegible] came down here, I got acquainted with them; he said he was [illegible] the Ridges that was up there on Honey Creek.
Q. Do you know the Willie Ridge, the applicant here, as [illegible] women you saw on Honey Creek in the fall of 1896? A. Yes, sir.
Q. Do you know whether she was a slave or not? A. No, sir; I don't know. All the Ridges, all I know about them is what [illegible] Ridge.
Q. Either who? A. Simon Lynch.
Q. Did you know them before the war? A. No, sir; I was [illegible]
By Mr. Bell, Cherokee attorney: Where were you raised?
A. Grew up in Southwest City.
Q. Did you in South Fort City from where they were living? A. [illegible]

SEP 17 1901
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
ACTING SECRETARY

KU355

Supplemental D-295

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.
Q How old are you? A About 64.
Q What is your post-office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You know Katie Ridge? A I didn't know her when I first saw her. When I first saw they they were up there on Honey Creek and someone said that was the Ridges.
Q What year was that? A That was along in the dall of '66, I think it was.
Q You saw her in the fall of 1866 then? A Yes, sir.
Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.
Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.
Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.
Q Simon who? A Simon Lynch.
Q Did you know them before the war? A No, sir, he knew them.

By L.J. Bell, Cherokee attorney: Where were you going in '66?

A Going up to Southewest City.
Q How far is South West City from where they were living? A I dont know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.
Q About what time of the year was it? A It was long in the fall like.
Q Can you recollect, early or late? A It was early, it wasn't so cold, I ~~xxx~~ know we slept out, we were going up there.
Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.
Q You went on from there to Southwest City did you? A Yes, sir.
Q In what where was Southwest City, in the Cherokee Nation or Missouri? A It was in Missouri or Arkansas, I don't know which, it was across the line.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

(signed) C. R. Breckinridge,
Commissioner.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M. D. Green

Subscribed and sworn to before me this September 13, 1901.

Commissioner.

Commissioner.

Superintendent Tongue Point Jail.

Sir:

Inasmuch as I have no place to keep the prisoner Ah Ki, who is charged with the murder of Ah Ling, I have decided to release him on his own recognizance, and have so ordered the Commissioner.

Respectfully,

[illegible]

Acting Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
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ACTING COMMISSIONER

70355

To be filed with case of Bettie Hicks, et al., C.F.D.#355.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Joshua Holt.
Q How old are you? A 52.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q She can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Mauselia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q Whatwas your wife's father's name? A Anderson Johnson.
Q Was he a Cherokeefreedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What ~~is her~~ mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the CherokeeNation examined and applicants identified thereon as follows:
Page 147, #3639, Josh Holt, Cooweescoowee district;
page 147, #3640, Laura Holt, Cooweescoowee district;
page 144, #3575, Jane Holt, Cooweescoowee district;
page 147, #3641, Ella Holt, Cooweescoowee district;
page 147, #3642, Jessie Holt, Cooweescoowee district;
page 147, #3643, William Holt, Cooweescoowee district.

Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."
page 117, #2477, Jane Holt, "Fort Scott, Kansas."
page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Esther Holt.
Q How old are you? A Along about 85.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.

APPLICANT recalled, and further examined: By Mr. Smith:
Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Edna, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Edna Kansas
Q You think it is nearer what is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again
Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1899.
Q Were you ever marriedbefore that? A No, sir.
Q Were you a single man from '66 up to '99? A Yes, sir.
Q Do you mean '99, three years ago? A 1889.
Q Then you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maucelia? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q Was your mother a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellis Holt.
Q The same persons you have mentioned i n your own testimonyL
A Yes, sir.
Q Where was your mother when the Civil War commenced?
A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did?
A She went out at the same time I did.
EXAMINED BY COM'R NEEDLES:
Q Do you live i n Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didnat appear at that commission.
BY MR. HASTINGS:
Q Your present wife is the only wife you have ever had? A Yes,sir.
Q You testified that you married her in 1889? A 1889.
Q Your oldest child is 19 years of age, you have given, Laura?
A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anythint about their being your step-children?
A I think I did, I am not certain.
Q What was your wife's maiden name? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Anderson Johnson.
Q Who was her mother? A Dinah Johnson.
Q Where did you marry her? A Cooweescoowee district, Big Creek.
Q Who married you? A Peter Meigs.
Q Does she claim to be a Cherokee freedman? A Yes, sir.
Q Freed woman? A Yes, sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes,sir.
Q By what name? A In 1896?
Q Yes, sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big creek and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.
Q But you came from Ft. Scott down to Vinita? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.
Q But your wife was with you? A Yes, sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named W. H. Robinson.
Q He was living there was he? A Yes, sir.
Q Colored man? A No, sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?
A 1889 I believe it was '88 or 9.

Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.
Q You don't know how long you had been up there? A Not exactly.
Q About how many years? A I tell you I don't know.
Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
Q Yes? A Why certainly not.
Q Then you deny positively that you were there more than two years?
A Yes, sir, I do, at a time.
Q where was your oldest child, Jesse, born? A Jesse was born in Vinita.
Q Have you been living in Vinita since 1889? A Yes, sir.
Q All the time? A Except when I was out working.
Q Where were you out working? A I were out at Lawrence, working and I was at Pabla and I was at Weir City, Kansas, working.
Q Where else were you working? A I worked there at Chetopa.
Q Working in Ft. Scott? A Since '89?
Q Yes? A I don't think I have.
Q How much of this time since 1889? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
Q How many years? A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out aI tell you
Q I want to know how much time you have been working out?
A I could not tell you that, because I don't know, but altogether wouldn't make a year.
Q Where was your wife at that time, in Vinita all this time?
A She was in Vinita.
Q She never went out with you when you worked out? A Not since 1889 she hasn't.
Q Where was this next child Willard born? A In Vinita.
Q Where was the next, Clifford? A In Vinita.
Q Where was Rauselia born? A Vinita.
Q All four of these children were born in Vinita were they?
A Yes, sir.
Q Who did you come down to the Cherokee Nation with after the war?
A Andy Daugherty.
Q Didn't Andy Daugherty have a place down therw when you came?
A Yes, sir.
Q He had a house up? A Yes, sir.
Q He had a patch of corn in? A Had a little corn in.
Q When you come? A Yes, sir.
Q Who else had a house down there when you come? A I rhink Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Duffin? A I think so, I am not certain.
Q Was Uncle Peter Ward living down there then? A I don't know.
Q Was Reuben and Tom Sanders? A Yes, sir.
Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn?
A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did
Q What time did you come there? A In August.
Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
Q She came down with you did she? A When she first came from Kansas? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down t o Ft. Scott? A Yes, sir, and worked a year and come back again.
Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there? A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was with her up there, in '64 and 5.
Q After that time were you with her? A I was with her at the Daugherty's when she was the re.
Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there ans she were working up there.
Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
Q What year was that? A I can't tell you.
Q Did you see her in '66? A We come down here in '66.
Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
Q Did you see her in ft. Scott, Kansas, in the year '67?
A No, sir,
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
Q And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh A I think he was living up there.
Q You never made a home in Kansas? A No, sir.
Q Never had one? A Yes, sir, I built one about two years ago.
Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I bui lt a home two years ago.
Q You never had a separate house there on Big Creek? A No, sir.
Q I want to know where you lived from '66 to '89? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Vinita.
Q Where was your mother then? A She was at Daugherty's.
Q How much of this time has she lived at Daugherty's? A I don't know.
Q You know Jim Foreman A I do.
Q Did you ever know him in Ft. Scott? A I did.
Q Did you know him there in '68? A I knew him there in '64 and 5.
Q Do you know Simon McKinsey? A I did.
Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
Q When did you know him? A '64 and 5.
Q Did you know him about '66? A I saw him after '66.
Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
Q Did you see him during the year of '66, '67, '68 or '9?
A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68? A No, sir.

Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Harriedin 1875.
Q What did you do down here in '66? A I didn(t do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
By Com'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been marriedbefore she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes,sir
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that? A No, sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house? A I was at the house.
Q Did she take hoursehold furniture with her? A DIdn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew living? A He is dead.
By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?
Mr. Hastings: I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
Q Where? A Vinita.
Q What kind of work did you morher do? A She was washing out and sometimes cooking.
Q Did you have sisters? A Yes, sir.
Q What were your sister's names? A Sallie and Bettie.
Q What is Bettie's name now? A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.
Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarah came back? A No, sir.
Q You know whether they were slaves before the war? A Yes, sir.
Q Who did they belong to? A Bill and Nellie Holt, same man I did.
By Com'r Needles: You say you were living on Big Creek?
A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer? A No, sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and came back there for my home.
Q How long did you live there? A I pulled out from there in '85.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer A Yes, sir.
Q You didn't pretend to farm yourself? A No, sir.
By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
Q And your mother? A Yes, sir.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself? A Yes, sir.
Q You never lived in separate houses? A No, sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Since you came there? A Since I have been in Vinita, yes sir.
Q Hadn't she ever been married before ? A No, sir, not to my knowing.
Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.
Q Your sister older than you? A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No, sir.
Q She didn't live with you there in '67, 8 and 9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee Named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee ? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forget whether you stated your wife's father and mither were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you marriedher or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Needles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the camp or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.
Q Who married you? A Peter Meigs.
Q He is living or dead? A He is dead.
Q Is there anyone around the camps who saw you married? A The family was there, her two sisters were there, and I was to have them here, but they went to Fort Gibson.
Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.
Q You know whether she lived with this man as husband and wife by whom she had these two children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
Q You lived at Webbers Falls when the war come up? A Yes, sir.
Q You went out north? A Yes, sir.
Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken us out.
Q Were you living with Will and Nellie Holt at Webbers Falls?
A Yes, sir.
Q Did they have children? A Yes, sir.
Q What were their names? A Tempy Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER re-called, and further examined,
By Mr. Hastings: Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wi fe? A Yes, sir, he has got a wife.
Q What is her name aunty? A Named Sarah Holt.
Q Got some children? A Got one.
Q How old is it? A I don't know.
Q About how old is it a child grown? A Yes, sir, it is grown.
Q Is the child married? A No.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
Q You were present when he married? A No, sir, I think he married in Oswego.
Q You wasn't there? A No, sir.
Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
A Yes, sir, when I did come down there.
Q Now aunty, when did you come down there, how many years ago?
A My brother went up there and brough me down and three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
Q And you come did you? A Yes, sir, I come in his wagon.
Q Did he have a house here at that time? A Yes, sir.
Q He had a little field? A Yes sir, small field.
Q What was your brother's name? A Andy Daugherty.
Q There was other people living around in the neighborhood were t here? A Yes, sir.
Q About what time of the year was it, April, May, June, July, August, September, spring, wint er, summer or what? A It [illegible] so long I don't remember.
Q Warm weather or cold? A I don't know whether it was warm or cold.
Q How long had your brother been living down here when you came?
A I don't know, he was living down here and had his house built when he brought me down.
Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
Q How long did you stay down here with your brother at that time?
A When he brought me down?
A Yes? A I stayed a year or two, I don't know.
Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.
Q How long was it until you come down to visit your brother again? Did you ever see him any more? A After I went up there?
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
Q You never had any home down here A No, I made my home with him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
Q Never had no children by any other woman A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spent pretty near all your days haven't you aunty up to the Wallacd court? A No, sir.
Q Did you work any down here beofre the Wallace Court? A No, sir, I haven't worked before the Wallace court, I have never been able broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no work here to do.
Q I say about all the work you done was in Kansas? A No, not all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go.
By Mr. Smith: How old are you, Aunt Esther? A About 85, that's the age they give me; I don't know my age; I was 16 years old the time the stars fell and the Commissioners have been trying to get my age from that, I don't know.
Com'r Needles: That was '32 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Holtz and Nellie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers falls.
A How many children had you at the time the war commenced, besides Joshua? A Sallie and Betsy and Mosie and Joshua.
Q And who do you live with now A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bettie married now? A Yes, sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie named? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you have born slaves? A Yes, sir
Q Who did they belong to? A William Holts.
Q Same person you belonged to? A Yes, sir.
Q What was it you said about your brother coming after you up in Kansas, and about a tereaty? A He went up there to buy provi sions everything in this nation was scarce at that time; he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.
Q And you? A Yes, sir, brought four.
By Mr. Hastings: Bring your daughter Callie? A No, sir, she was down here long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Esther Holt your mother? A Yes, sir.
Q She is the witness that's on the stand here now? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes, sir.
Q She went to Kansas didn't she? A Yes, sir.
Q When did she return? A '66.
Q Returned with you? A Yes, sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.
Q She never got back to Kansas afterwards? A Yes, sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.
Q Did she have a home in this Nation? A No, sir.
Q Who was she living with? A Wither brother up on Big creek except when she was working out.
Q Was she married then? A No, sir.
Q Her husband wasn't living then? A No, sir.
BY MR. HASTINGS: How long has Recumseh been living in Vinita?
A I don't know how long he has been living in Vini ta.
Q Well, your best judgment, has he lived there five years?
A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)
Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Ci ilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 18th, 1901.
(Signed) T. B. Needles,
Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROSSON.

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JOSHUA HOLT, et al., Application continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:
Messrs. Mellette & Smith, for Applicants;
Mr. W. W. Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

Q State your name? A Moses Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big Creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well give us your best idean, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know whom he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I knew him just a little before the war come up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Cherokee Nation after the war? A Well, sir, I just can't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here on Verdigris.
Q At what place? A Goosneck Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No, sir, I don't.
Q Did you know his mother, Mather Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1866 A No, sir, I don't.

BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.
Q Where did Joshua Holt and hismother live? A In Illinois district.
Q How far was that from you? A When I got acquaintedwith them I was working at John Daniels' in Canadian district.
Q How far were you working from him? A Just across the river there at John Daniles at the old place.
Q You were working there when the war came up? A Yes, sir.
Q And you knew these people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.
By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can't say, they were living together when I saw him.
Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
Q Where was that? A It was on Big creek when I got acquainted with him.
Q After the war? A Since the war.
Q You never knew them at all before the war? A No, sir.
Q You know Jane you say? A Yes, sir.
Q where was Jane living when you first knew her? A She was living there with her father.
Q Was she married? A No, sir.
Q Living with her father Anderson? A Yes, sir.
Q Do you know whether Anderson went out of the Nation during the war? A I wasn't acquainted with him.
Q Don't know whether he went and when he came back? A No, sir.
By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years an way.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
Q The Wallace court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:
Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.
Q In what army? A In the 44th or 48th United states Infantry Colored, 48th I think.
Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation? A '66.
Q How do you know that? A I saw him on Big creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him? A She was born on Big creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you come or you come before him? A He was there when I come.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United states soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Mauselia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recordee the test mony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental Testimony in C.F. D.#644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 29th, 1901.

Mellette & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SAUNDERS, being sworn by Commissioner T. B. Needles, testified as follows, for the applicant: By Mr. Smith:

Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know hiw wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhousen family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Noshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Must have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes, sir.
Q Where were these children born and raised? A On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnsn came back to the Cherokee Nation? A Yes, sir, In '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir, I never knowed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.
Q What part of the Nation did he come to? A Big creek.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q On the roll of 1880? A Yes, sir.
BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a state raised woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him whe he came with you folks?
A Not the first time.
Q What time was it that he crme down with you, what time of the year? A Long in '66, long in the month of August.
Q Was that w hen some of you men folks come in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't you b e postivie as to whether that oldest child was born in the Cherokee nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A 7 miles, between 6 and 7 miles close to Albert Morris.
BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q 's much as six months? A Can't have been any longer.
BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.
Q Wh t is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A With us in our wagon.
Q When? A Long in the summer of '66.
Q Was he [illegible] A He was not.
Q Wh[illegible] become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big Creek.
Q How far did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several.
Q Any girls? A Yes, sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of those you remember? A Mary, I don't know much about the girls.
Q Do you know if any of these children are married? A One is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.
Q How long since he was killed? A I think about 16 years.
Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there? A As man and wife.
Q Do you know when these children of theirs were born? A No, sir.
Q Were they born while they were living together as man and wife?
A Yes, sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes, sir.
Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.
Q Do you know whether she is the oldest child or not? A No, sir, I don't.
Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.
Q You all first came down in August and then went back?
A Yes, sir.
Q You say Anderson wasn't married then? A No, sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?
A Yes, sir.
Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes, sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?
A Yes, sir.

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Char. von weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 13th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:

Q What is your name? A Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
Q You know whether they were ever married or not?
A I couldn't tell you about the wedding, they were living together as man and wife.
Q So recognized by the community? A Yes, sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
Q You know this girl's sister, Mary Johnson? A Yes, sir.
Q At the time she was born were they living together as man and wife? A Yes, sir.
Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified a while ago in the Mary Johnson case? A Yes, sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married man when he first came there?
A No, sir, he was a single man.
Q It was sometime after that when he married? A Yes, sir.
Q Had he been married up to that time? A Up to what time?
Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No, sir.
Q You don't remember just about how long after he come down there? A No, sir.
Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't rtry.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have ay
Q Do you have any idea how old this woman is, (indicating applicant A No, sir, not exactly.

By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the creek, three children.
Q While they were living togetheras man and wife they raised a family? A Yes, sir.

By Mr. Hastings; You don't know where he got the woman? A No, sir, I couldn't tell you.
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Korn-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Cooweescoowee district.

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SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)
Q Did you know Jane Holt? A Yes, sir.
Q Whose wife is she now? A John Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife
Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.

(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.

(Signed) T. B. Needles,
Commissioner.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
SEP 14 1904
RECEIVED

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J O Rosson

Subscribed and sworn to before me this September 12th, 1904.

Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Dennis Hicks for enrollment as a Cherokee Freedman.

No. F. D. 358

Henry Peck, of lawful age, being duly sworn on oath states that on the 13 day of Sept, A. D., 1901, he registered to Dennis Hicks whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson, I. T. Indian Territory; and that on the 17th day of Sept, 1901, he received the return card which is hereto attached, signed by the said Dennis Hicks, showing that he had received said notice.

Henry Peck

Subscribed and sworn to before me on this the 17 day of Sept A. D. 1901.

J. C. Clark
Notary Public.

F.D. 355

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this.....

day.....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of....., 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 17 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Dennis Hicks for enrollment as a Cherokee Freedman:

Case No. F. D. 355

To Dennis Hicks Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of ***Vinita, Indian Territory.*** Indian Territory, on the following dates, to-wit: Oct. 7th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of

L. B. Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

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File with case of Bettie Hicks, et al., C.F.-D.#355.

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SALLIE MILLER as a Cherokee Freedman, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Mollette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.
Q Where do you live? A I live up Pryor Creek, about five miles north of Prior Creek.
Q What is your age? A I am 59.
Q How long have you lived in the Cherokee Nation? A Been living here all my life, only few times I have been out of the Nation.
Q Well, you were out of the Nation; when you were out of the Nation what places were you in? A When I was out of the Nation I lived at Fort Scott, Kansas.
Q About what year did you live in Fort Scott, Kansas? A I lived from 1865 down to 1866, '67 and down to spring of '68.
Q During the years you lived there did you become acquainted with Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted with one lady named at that time Sallie Holt.
Q Well, did you know her family at that time, her mother?
A Yes, sir.
Q What was her mother's name? A Au nt Easter Holt.
Q Did you know any of her brothers? A Tecumseh and I forget the other one's name, was another one.
Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and Joshua.
Q Did you know any of her sisters? A Yes, sir, but I forget their names.
Q Now, where were they living, if you know, during the years you lived at Fort Scott? A They lived in an old Government building right in Fort Scott.
Q You went there in 1865? A In '65
Q How long had you been there before you knew these people, or got acquainted with them? A I was there about a month or two or three months, I could not state the time.
Q Well, where were they living when you left Fort Scott, Kansas, if you know? A Well, Aunt Easter was living in an old Government building.
Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie you don't know that the woman who is an applicant here for enrollment is the whoman whom you say you saw up at Fort Scott, Kansas, at the close of the war, do you?
A I don't know the woman.
Q You don't know that that is the same woman? A In the same name.
Q It is not the same name? A She name Holt.
Q Well, you don't know that this is the same woman that you knew up there, do you? A Well, it was a daughter of Easter Holt, it was a Sallie woman.
Q Well, you don't know anything about this applicant; you have never seen this applicant here? A I haven't seen her here.

Q Well, you have never seen her since she has made appli cation here for enrollment have you? A No, sir.
Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
Q In the Spring of '68? A Yes, sir.
Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing putlic work there.
Q Did you keep track of these colored people? A All I saw.
Q Did you ever testify in this case before? A I guess I did.
Q When? A Not long ago at Fort Gibson.
Q You give testimony up at Fort Gibson? A I thi nk I did.
Q How long ago? A I don't know exactly whether it was last month.
Q How old are you, Mr. McKenzie? A I am 59.
Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago A Well, I guess I could remember it, I statedbefore.
Q There is no reason why you paid particular attention to them?
A No, just seeing them pass and repassing about.
Q You left there in the spring of '68? A Yes, sir.
Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
Q Well, now, off and on there, you saw them? A Every week
Q Can you remember 35 years ago you saw these people every weeks?
A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
Q Well, you feel because you are here you have to testify something?
A I don't know.
Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
Q Is it possible they might have left there a year before you did?
A If they did they went back in a short time.
Q What were you paying so particular attention to those people for?
A I could not tell you.
Q You just watched them? A Well, just seeing them pass and pass every day.
Q Who else did you see up there at Fort Scott? A Why I see good many.
Q What other coloredpeople? A Good many. Good many other colored people, but I don't know their names.
Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
Q There were a great many coloredpeople in Fort Scott?
A Yes, sir.
Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
Q Well, who else lived in the Government building there?
A Good many families.
Q Good many families? A Yes, sir.
Q Why don't you remember the names of the other colored people?
A Because the boys I remember them, and part lived in town-
Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)

Q And who else was there? A Bill was blacksmith; Tom Brown.
Q Was it Tom Brown or Bill Brown? A Tom Brown
Q when did they leave there? A I don't know.
Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of twon and a familu lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
Q what makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
Q When was the last time you remember seeing this Sallie Miller?
A Well, I saw when I left Fort Scott.
Q Di you see her the day you left? A No, sir; I didn't see her the day before I left.
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
Q You remember then of seeing her two weeks before you left?
A Yes, might have been two weeks, and maybe longer and not so long.
Q Maybe a year too? (No response.)
Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
Q How do you know she went to Mapleton? A Well, if she left al all.
Q What makes you think that? A That was the talk.
Q How was that? A That is why I found out by talking with her brother.
Q You got a letter? A No, sir, talking with her brother.
Q You are testifying to what her brother told you?
A That is how I found out where she went, if she went off at all.
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
Q what is your age, Mr. Margrave? A My age is -130--about 82; I am away along in the 83 year.
Q where do you live, Mr. Margrave? A Fort scott, Kansas.
Q How long have you lived at Fort scott, Kansas? A Since 1854.
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
Q You know the old lady's name? A Yes, sir; do you mean the mother?
Q Yes, sir; what was her name? A Easter Holt.
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Cumsh, Sallie and Josh.
Q When did you become acquaintedwith the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very w hortly afterwards.
Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
Q Well, now, where is Mose Holt living now, do you know?
A Lives right there by me in Fort scott.
Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never took no count of; I don't thi nk he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

Q About how long has it been since Tecumseh moved away from there?
Q That maybe all the way fromm five, sir, seven or eight years, not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.
Q Well, did Sallie Holt marry while she wasup there? A Yes, married twice.
Q What was her first husband's name? A Walker he died and then she married a Miller.
Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.
Q Have you seen Sallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I knew her as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in -? A Seven, eight or ten years.
Q Do you know where Aunt Easter Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates-
Q About how long? A I would think it was six or saven years ago.
Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquaint ed with them.
Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.
Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.

MR. MELLETTE: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because-
Q Well, now, where was she in '66? A T The family was there, I am satisified they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; one of the family might went away.
Q You can't say that Sallie Miller, or Sallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that tume. One of the family could go off and I would not know anythi ng about that; go off and return again.
Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.
Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 35 years ago A You mean one at the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, one of them? A Walker.
Q Didn't she talke some children back from here the first ti me she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 56.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 33 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.

Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Mose Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with his on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not sat, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MELLETTE: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.

Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the Terrtory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTEN, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighten.

Q Where do you live, Mr. Brighten? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 20 years.
Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of Colored people by the name of Holt?
A Yes, sir.
Q What membersof the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
Q Did you ever know the mother? A No, sir.
MR. MELLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they reallly,belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:
MR. DAVENPORT: What is your name? A William Sexton.
Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '69.
Q Well, since you came to Fort Scott, Kansas, did you get acquai nted with a colored family by the name of Holts? A I did.
Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
Q What was her name? A Her name was Easter Holt.
Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jenni e and Sallie; that's as many as I recollect.
Q Well, did you know Sallie Holt, if she was a grown woman?
A. Sallie she was a woman when I got acquainted with her.
Q Josh, was he grown when you got acquainted with him?
A No, sir, he was a young man.
Q Would you know Sallie Holt if you would see her now?
A Yes, sir.
Q I wish you would look back through the audience and see if you see her? A Yes, sir.
Q You recognize her as being the same woman, Sallie Holt, you knew?
A Same woman.
Q Did she marry while she wasliving up at Fort Scott? A She was married when I got acquainted with her.
Q Do you know what her husband name was? A Her husband's name was Walker.
Q Do you know whether Walker is living or dead? A He died.
Q Well, did she marry again? A She did.
Q Do you know who she married? A She married a man by the name o. Miller.
Q Do you know his first name? A Stepney.
Q What was his business? A He was a shoemaker up there.
Q You knew Josh too up there did you? A Yes, sir.
Q And Tecumseh? A Tecumseh.
Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
Q Do you know whether or not there was a girl by the name of Bettie?
A I wouldn't be positive but it appears to me there was.
Q Were they living in Fort Scott when you went there in '69, Mr. Sexton? A Yes, sir.
Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Moses is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilizee Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 15th, 1901.

Commissioner.

File with C. F. D-285, Dennis Hicks, et al.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1901.

In the matter of the application of Kate Ridge for enrollment as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. L.B. Bell, of attorneys for Cherokee Nation,
and Mr. W.W. Hastings, of attorneys for Cherokee Nation.

W.H. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war begun? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q Now when did you return to the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Come to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I dontt remember the month exactly.
Q Well did you live there when the war begun, or how come you to go on thatplace? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near here? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then-? A Until the fallof 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with on Katie Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with whatis known as the old Washbourn place at that time? A Yes sir.
Q Was there any Freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston re-occupy that place after you bought it from him or did he ever? A He went right on the place when we left it

in '66.
Q Where did he move from to that place? A He moved from Mayesville Arkansas.
Q Where was he living during the year of 1867 after you bought that place from him? A He was livin-, I think possibly he moved part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.
Q Now do you know anything about where Dr. Polston was in the early part of '66, or where he come from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knewof? A Not that I had any knowledge of.
Q But you moved away from that place in '68? A Yes sir.
BY MR. MELLETTE:
Q How old are you, Mr. Wood? A 48 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You were quite a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days? A Yes sir, I do.
Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.
Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.
Q What place are you talking about as the one that colored people did not live on? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.
Q How many Polston places were there in that country? A Just the one.
Q How do you know? A I lived there.
Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.
Q Where did you go during the war? A I went to the Choctaw Nation.
Q Then did you return? A In '65.
Q What time in '65? A Spring.
Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.
Q Do you know Herman or Hiram Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COM'R KEEDLES:
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your occupation? A I am farming and selling goods.
BY MR. BELL:
Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blevins' place,
Q And then moved down into the Cherokee nation in '66? A Yes sir.

MRS. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 9th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Eneous Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A. Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died beforeI went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yessir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. MOLLETTE:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in58 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you ~~xxxx~~ became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
Q How long did you live there? A A year and four months, that was as long as he lived.
Q That was up just about the beginning of the war? A Well I left lived there until '59. I left there in the fall of '59.
Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri,- I saw her husband.
Q Oh, you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living ther near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Tell that geneleman your name, your age and post-office? A Greve is my post-office; my name is John R. Shields; my age is 53.
Q Are you a citizen of the Cherokee nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee nation and Missouri.
Q Were you living 2 miles north of South west City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.P. Lawrance were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Strothers I think the post-office was handled.
Q Well the post-office was there in the store? A - Yes sir.

Q What was the place called then? A Honey Creek.
Q How long did it retain that name of Honey Creek, or when did it change back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.
Q Was that in one or two or three years? A Well yes, three years perhaps, somewhere along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town was started a little.
MR. MELLETTE: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:
BY MR. BELL:
Q Give me your name, age and post-office? A My name is James M. Bell, aged 69, post-office Needmore, or Vinita, either one.
Q You are a citizen of the Cherokee nation are you? A Yes sir.
Q How long have you lived in this Cherokee nation? A Well with the exception if a few intervals I have been here since '39.
Q Well you have been here 40 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A His first child was not of sound mind, a girl, Rolen Ridge was the next, Herman, Eneous, Andrew, Susan Washbourn, Flora Polston, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards moved to Fayetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know?
He was between 25 and 30; he was 25 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother where? A In Benton County, Arkansas.
Q When did he jein the army? A He joined in '62.
Q Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a farm, location or home or habitation in the Cherokee nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes sir.
Q By blood, friendship, social matters or what? A It is my under-

standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. MELLETTE:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, , who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I knew nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W. W. HASTINGS:

Q What is your name? A L.B.Bell, 62 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haversham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1843 when the whole world was flooded, I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q Now who lived there, occupied it? A Old Peter,-the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and runoff and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his that he had there, remained on the place 5 or 6 years, then it passed into the hands of Dr. Polston, who married Flora, the youngest girl of John Ridges family; they lived there until '61 probably lived there 3 or

or 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the confederate Army, General Watie was a kinsman of his and he joined the ~~xx~~ regiment that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1860; his heirs own it yet.
BY MR. MELLETTE:
Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.
MR. MELLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:
BY MR. BULL:
Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.
BY MR. MELLETTE:
Q Did she return to the Cherokee Nation at any time ~~that xxx~~ there while you were there? A Notthat I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.
Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At ~~xxxxxxxxxx~~ Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.
Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Yessir.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Cher-

okee Nation? A Well I don't know; I know they were living there and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know what legal steps were taken by these people, Washbourns ~~and~~ or Polstons to re-establish their citizenship? A No sir.

COMMISSIONER MEEDLES: The testimony will be filed in Katie Ridge, Cherokee Freedman D 295, and D355 and D 586, and D 589 and D 300, D 360, D 361, D 362 and D 358.

(Copies of this testimony have also been made for C.F.D-676,D638,D647,D591,D594 and D636.-Stenog.)

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L.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

L D Green

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Dennis Hicks, D 355;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

(C O P Y)

(F.P.T.)

Cherokee Freedmen D-645.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Esther Holt for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 10, 1901, Esther Holt appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Copies of the testimony taken at various times in the cases of Joshua Holt, et al., and Sallie Miller are made a part of the record herein.

The evidence shows that the applicant, Esther Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion she left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The name of said applicant is not found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the application of Esther Holt for enrollment as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge.
Commissioner.

(Signed) W. E. Stanley
Commissioner.

Muskogee, Indian Territory,
this Mar 5 1904.

(C O P Y)

(C. M. McR.)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Tecumseh Holt, et al., as Cherokee Freedmen, consolidating the applications of

Tecumseh Holt,	Cherokee Freedmen D-653
William Holt,	Cherokee Freedmen D-694.

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Tecumseh Holt for himself and by William Holt for himself. A copy of the testimony taken at Chelsea, Indian Territory, on June 10, 1901, in Cherokee Freedmen D-644, and a copy of the testimony of Sam Webber taken at Nowata, Indian Territory, on June 26, 1901, in Cherokee Freedmen D-866, are filed herewith and made a part of the record in this case.

The evidence shows that the applicant, Tecumseh Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The evidence further shows that the applicant, William Holt, is the son of the said Tecumseh Holt; that he was born since 1866 and has no right to enrollment except through his said father.

It does not appear that either of the applicants is identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Tecumseh Holt and William Holt as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory, this Mar 5 1904.

(Signed) W. E. Stanley
Commissioner.

(C O P Y)

(C. N. McR.)

Cherokee Freedmen R-186

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Moses Holt as a Cherokee Freedman.

D E C I S I O N.

It appears from the record herein that Moses Holt appeared before the Commission at Vinita, Indian Territory, on October 21, 1901, and made application for his enrollment as a Cherokee freedman.

The evidence in this case shows that the applicant, Moses Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of Cherokee freedmen to said Nation. The evidence further shows that the applicant returned to the Cherokee Nation temporarily about the year 1866, but that he did not establish a residence therein but went to the State of Kansas, where he has since resided. It appears from his testimony that he has voted in Kansas and otherwise exercised the rights and privileges of a citizen of that State.

It does not appear that the applicant herein is identified upon the 1880 authenticated Cherokee Roll.

It is therefore, the opinion of this Commission that the application for the enrollment of Moses Holt as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this Apr 20 1904

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of:

Rosa Vann, et al.,	Cherokee Freedmen D-594,
Mollie Townsend, et al.,	Cherokee Freedmen D-651,
Joshua Holt, et al.,,	Cherokee Freedmen D-644,
Sallie Miller,	Cherokee Freedmen D-648,
Bettie Hicks,	Cherokee Freedmen D-355;
Ruth Riley, et al.,	Cherokee Freedmen D-579,
Frank Riley, et al.,	Cherokee Freedmen D-262,
Daniel Thompson,	Cherokee Freedmen D-606.

all of said applications being included in the consolidated case of Katie Ridge, Cherokee Freedmen D-295, et al.,

O R D E R .

It is ordered that a copy of the testimony taken at Chelsea, Indian Territory, June 10, 1901, its decision rendered by this Commission on March 5, 1904, in the case of Ed Vann, Cherokee Freedmen D 660, and Departmental letter of May 17, 1904 (I.T.D. 3470-1904), be filed with and made a part of the record in the application of Rosa Vann, et al., Cherokee Freedmen case No. D 594;

That copies of its decisions rendered by this Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, 1904 (I.T.D. 2412-04), and November 12, 1904 (I.T.D. 8594-04), in the cases of Jesse Vann et al., Cherokee Freedmen D 254, (R 302), and Emma Purtle, Cherokee Freedmen No D 265, be filed with and made a part of the record in the case of Mollie Townsend, et al., Cherokee Freedmen No. D 651;

That copies of its decisions rendered by this Commission on March 5, and April 20, 1904, and of Departmental letters of June 25, 1904 (I.T.D. 5034-04) and June 23, 1904, (I.T.D. 5028-04), and June 9, 1904, (I .T.D. 4388-04), in the cases of Esther Holt, Cherokee Freedmen No. D 645, (R 443), Tecumseh Holt, Cherokee Freedmen No. D 653 (R 399), William Holt, Cherokee Freedmen

No. D 694 , (R398), and Moses Holt, Cherokee Freedmen No. R 185, be filed with and made a part of the record in the cases of Joshua Holt, et al., Cherokee Freedmen No. D 644, Sallie Miller, Cherokee Freedmen No. D 648, and Bettie Hicks, Cherokee Freedmen No. D 655;

That a copy of its decision rendered by this Commission on March 5, 1904, and Departmental letter of June 21, 1904, (I.T.D. 4736-04), in the consolidated case of Katie Thornton, et al., Cherokee Freedmen No. D 578, et al., (R 410-R-411-R-412 R-413 and R 414), be filed with and made a part of the record in the application of Ruth Riley, et al., Cherokee Freedmen No D 579;

That a copy of the testimony taken at Chelsea, Indian Territory, June 8 , 1901, of its decision rendered by this Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including the applications of Mary Riley, et al., Cherokee Freedmen No. D 624, be filed with and made a part of tthe record in the application of Frank Riley, et al., Cherokee Freedmen No. D 262; and

That a copy of its decision rendered by this Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, et al., Cherokee Freedmen No. D 502, be filed with and made a part of the record in the application of Daniel Thompson, Cherokee Freedmen D 606.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Commissioner

Dated at Muskogee, Indian Territory,
this DEC 28 1904

Cherokee Freedman D 295 et al

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge et al., as Cherokee Freedmen.

Copy, in part of certain records in the custody of this office.

"The following named persons have been reported by the 'Commission on Citizenship' of 1878-9, as having appeared or been summoned before the Commission, with the decisions of the Commission upon their respective claims to citizenship. (Copied from Commission's report on file in Executive Office).

Saline District.

Rejected: (among others.) Cornelius Ridge, Henry Ridge, Dennis Hicks and Robert Foster.

Sequoyah District.

Rejected: (among others), Riley McNair, Jesse Ridge and Daniel Thompson.

I hereby certify that the foregoing is a true and correct copy of certain proceedings had before the Commission on Cherokee Citizenship as contained in Docket "A" of said Commission, and that the said docket is in the lawful custody of this office. And it is ordered that a copy of said proceedings be filed with and made a part of the record in the consolidated case of Katie Ridge, et al., Cherokee Freedman D 295 et al.

William O. Beall
Acting Commissioner

Dated at Muskogee, Indian Territory,

this SEP 1 1 1905

A. F. C.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

Katie Ridge,	Cherokee	Freedmen	D 295
Cornelius Ridge, et al.,	"	"	D 586
Phoebe Johnson, et al.,	"	"	D 589
Henry C. Ridge,	"	"	D 630
Ida Jones, et al.,	"	"	D 647
Ary Lynch,	"	"	R 70
Elnora Vann,	"	"	R 113
Maud Riley, et al.,	"	"	D 591
Rosa Vann, et al.,	"	"	D 594
William Townsend,	"	"	D 636
Mollie Townsend, et al.,	"	"	D 651.
Dennis Hicks Jr., et al.,	"	"	D 355
Joshua Holt, et al.,	"	"	D 644
Sallie Miller,	"	"	D 648
Mary Johnson,	"	"	D 864
Ruth Vann, et al.,	"	"	D 866
Frank Johnson, et al.,	"	"	D 878
Eliza Hawkins, et al.,	"	"	D 358
Joseph Hicks, et al.,	"	"	D 360
Katie Hicks,	"	"	D 361
James A. Hicks,	"	"	D 362
Frances Johnson, et al.,	"	"	D 676
Anna Butler, et al.,	"	"	D 979
Howard Bushyhead,	"	"	D 980
Katie Davis,	"	"	D 953
Moses Riley, et al.,	"	"	D 258
Andrew Riley, et al.,	"	"	D 260
Jesse Riley, et al.,	"	"	D 261
Frank Riley, et al.,	"	"	D 262
Jerry Riley, et al.,	"	"	D 263
Fannie Scott, et al.,	"	"	D 266
Delilah Johnson, et al.,	"	"	D 267
Lottie Johnson, et al.,	"	"	D 268
Jane Riley,	"	"	D 600
Daniel Thompson,	"	"	D 606
Elick Ward, et al.,	"	"	D 623
Sandy Thompson,	"	"	D 693

Ruth Riley, et al.,	Cherokee	Freedmen	D 579
Hannah Riley,	"	"	D 569
Charles Landrum,	"	"	D 601
Nettie McIntosh,	"	"	D 903
William Riley,	"	"	D 603
Carrie Gibson,	"	"	D 704
Cora J. Wagoner, et al.,	"	"	D 570
Arthur Riley,	"	"	D 571
Elizabeth Melton, et al.,	"	"	D 441
Julius Curls,	"	"	D 269
Riley Curls, et al.,	"	"	D 270
Ophelia Thompson, et al.,	"	"	D 271.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Amy Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Nettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie Willard, Clifford and Maucelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann, by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Myrtle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Willie Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Annie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Emmerial Riley; by Jesse Riley for himself and minor children, Jessie, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 26, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and [illegible] Ward; by Sandy Thompson for himself; by Ruth Riley for [illegible]; thereafter, on July 1, 1902, there was filed with the [illegible] an affidavit showing the birth, on January 22, 1902, [illegible] Odine Riley, child of the applicant, Ruth Riley; [illegible] for herself; by Charles Landrum for himself; [illegible] for herself; by William Riley for himself; [illegible] herself; by Cora J. Wagoner for herself; thereafter, [illegible] 3, 1901, there was filed with the Commission an affidavit [illegible] the birth, on August 24, 1901, of Oval Wagoner, child [illegible] plicant, Cora J. Wagoner; by Arthur Riley for himself, [illegible] beth Melton for herself and minor child, Elnora Melton, [illegible] Curls for himself; by Riley Curls for himself and minor [illegible] Willie, Edward, James, George, Stephenia and Clarence [illegible] after, on July 1, 1902, there was filed with the Commission [illegible]

affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 560; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 3594-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purtle C.F.D. 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4386, 5025-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 185; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4736-04); in the consolidated case of Katie Thornton et al., C.F.D. 578 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 613, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1868, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Serena and Pearl Milton, Maud Riley, Rosa Wann, and William Townsend, are children of the applicant Phoebe Johnson, were born since 1868, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Minora Wann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (said William Riley's rights to enrollment are considered below, C. F. D. 303), was born since 1880, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Wann, is a child of the said applicant Rosa Wann, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Wann, father of the said applicant Josephine Wann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Wann, and one Emma Purtle, was born since 1868, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 264 and 265 the Commission found that the said Jesse Wann and Emma Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 2112-8594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lettie and Joseph Hicks; that the applicants Dottie Hicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford and Mauselia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Shinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Elize and Tyndle E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion, and that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley, wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Luford, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902, Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify, In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 5960-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Nettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully contradicted and repeatedly impeached, it is considered by this office that, after hearing the testimony of numerous witnesses, interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 15, 1904, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNair Riley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 498-D 664 and D 863). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Nettie McIntosh, and that the said two last named applicants were born in 186[illegible] and 1868, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 562, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1888-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 1[illegible] (R 262), and D 607 (R 283), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5642, 11776-04), under the provisions of the Act of Congress approved June 26, 1898 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Hold, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Millie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle L. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, jr., and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this Oct. 13, 1905.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al.	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	638
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70[illegible]
Elnora Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.,	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	636
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	355
Eliza Hawkins et al.,	Cherokee Freedmen	D	358
Joseph Hicks et al?	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson	Cherokee Freedmen	D	864
Ruth Vann et al.	Cherokee Freedmen	D	866
Frank Johnson et al.	Cherokee Freedmen	D	875
Frances Johnson et al.	Cherokee Freedmen	D	676.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee Eddie and stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavir showing the birth, on June 3, 1902, of Cornelius Jones, child of the applicant, Ida Jones;

by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for her self and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie, Willard, Clifford and Maucella (Marcelia) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1906 (I.T.D. 17884-1905), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 9 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1906; Katie Ridge, D 295; Cornelius Ridge et al. D 586; Phoebe Johnson et al. D 589; Henry C. Ridge D 638; Ida Jones et al. D 647; Ary

Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D 594; William Townsend D 636; Leroy Hicks et al. D 355; Eliza Hawkins et al. D 358; Joseph Hicks et al D 360; Katie Hicks D 361; and James A. Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their right to enrollment as Cherokee Freedmen will therefore be adjudicated in this decision.

THE EIV DINCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelius Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. F. D. 660 the Commission found that on Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedmen, and on May 7, 1904-I.T.D. 3470-1904 said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks, (Their father, Dennis Hicks, case D. 350 infra?) Eliza and Tyndle E. Hawkins Joseph, Otto A., Katie and James A. Hicks, were born since 1866 and possess no right to enrollment as Cherokee freedmen except as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and May Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee Eddie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, that said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Bettie Hicks; that the applicants Bettie Hicks, Joshua Holt and Anderson Johnson, deceased were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906; that the applicants Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford, and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank Johnson (In C. F. D. 853 the Commission to the Five Civilized Tribes found, on April 22, 1905, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedmen and its finding was approved by the Department June 25, 1906- I.T.D. 7712-8846-1906), and Frances, Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Bettie Hicks and Joshua Holt, and of Anderson Johnson, deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee Freedmen was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904 (I.T.D. 7192-7993-1904). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Welcome (I.T. D. 5848-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia)

Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillir Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated At Muskogee, Indian Territory,

this Feb. 28, 1907.

40054

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Dennis Hicks Sr.,
Vinita, I. T.
Cherokee -F-D-355.
Register.

(C O P Y)

W. C. F.
J. P.
EHK

DEPARTMENT OF THE INTERIOR,

D. C. 19428-1904
I. T. D. 4388-1904.
E. R. S.

WASHINGTON, JUNE 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Moses Holt (F. 3-185), as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Depar tment concurs in said recommendation, and your decision, so far as it rejects the applicants, is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

(C O P Y)

W. C. F.
FHE
J. P.

DEPARTMENT OF THE INTERIOR,

D. C. 21700-1904.
I. T. D. 5028-1904.
L. R. S.

WASHINGTON, JUNE 23, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the consolidated case embracing the applications of Tecumseh Holt et al. (F. D-653, D-694), for enrollment as Cherokee freedmen, including your decision of March 5, 1904, rejecting said applications.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock

Secretary.

1 inclosure.

(C O P Y)

D. C. 22431-1904.
I. T. D. 5034-1904.
L. R. S.

W. C. F.
J. P.
F. H. E.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, JUNE 25, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Esther Holt (F. D-645), for enrollment as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved, A copy of his letter is inclosed herewith.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) M. N. Miller,

Acting Secretary.

1 inclosure:

COPY.

Cherokee Freedmen

D-594, et al.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There are herewith inclosed copies of part of the record in Cherokee freedmen cases, together with an order dated December 28, 1904, and signed by Commissioner Bixby, making same part of the record in other Cherokee freedmen cases as follows:

A copy of testimony taken at Chelsea, Indian Territory, on June 10, 1901 in the application of Ed Vann, et al., F. D-660; a copy of the Commission's decision of March 5, 1904; a copy of departmental letter of May 17, 1904, to be made a part of the record in the case of Rose Vann, et al., F. D-594.

Copies of the Commission's decisions dated July 10, 1903, and July 23, 1904, and of departmental letters of May 11, 1904, and November 17, 1904, in the cases of Jesse Vann, et al., F. D-254, (R-302), and Emma Purtle, F. D-265, to be made a part of the record in the case of Mollie Townsend, et al., F. D-631.

Copies of the Commission's decisions dated March 5, and April 20, 1904, and of departmental letters of June 25, June 23, and June 9, 1904, in the cases of Esther Holt, F. D-

648, (R-443), Tecumseh Holt, F. D-653, (R-389), William Holt, F. D-694, (R-398), and Moses Holt, F. R-185, to be made a part of the record in the cases of Joshua Holt, et al., F. D-644, Sallie Miller, F. D-648, and Bettie Hicks, F. D-655.

A copy of the Commission's decision of March 5, 1904, a copy of departmental letter of June 21, 1904, in the consolidated case of Katie Thornton, F. D-675, et al., (R-410, et al) to be made a part of the record in the case of Ruth Rider, F. D-579.

A copy of the testimony taken at Chelsea, Indian Territory on June 8, 1901, a copy of the Commission's decision of April 20, 1904, a copy of departmental letter of October 31, 1904, in the consolidated case of Katie Blackwell, et al., including the application of Mary Riley, et al., F. D-684, to be made a part of the record in the case of Frank Riley, F. D-268.

A copy of the Commission's decision of November 23, 1904, in the consolidated case of Andrew T. Watie, F. D-502, to be made a part of the record in the case of Daniel Thompson, F. D-606.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. 8-11.

COPY.

Cherokee Freedmen

D-355.

Muskogee, Indian Territory, May 24, 1905.

Dennis Hicks,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 18, 1905, relative to the enrollment of yourself, et al, as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

SIGNED Tams Bixby.
Chairman.

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Mollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle T. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 535, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. F 16.
LMB

COPY.

Cherokee Freedmen
D-355

Muskogee, Indian Territory, October 13, 1905.

Dennis Hicks, Sr.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of your wife, Bettie Hicks, and minor children, Leroy, Dennis, Jr., Delana, Mabel and Elmer Hicks, as Cherokee freedmen. There has heretofore been forwarded your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has been this day mailed him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED
Tams Bixby.

Commissioner.

Incl B-93
Register.

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 13, 1905.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. S-222

Register

Cherokee Freedmen.

D-29[illegible], et al.

Muskogee, Indian Territory, October 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Riggs, et al., Cherokee freedmen D-295, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. D-223

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JFA
OFFICE OF INDIAN AFFAIRS,
83807-91559-1905. WASHINGTON.
91821-91843-1905.
91492-101897-1905. December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor chrildren, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elnora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend forhimself; by Mollie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delana, Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor step-children, Laura and Ella Beeson and minor children, Jessie, Willard, Clifford, and Mancelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Liella Johnson; by Eliza Hawkins for herself and her minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mable, Elnora, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and her minor children, CharlesWesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and herminor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarance, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the aplicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Bettie and Joseph Hicks; that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Millie McNair, deceased; that the said Riley, Maria, and Millie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lottie Johnson, and Jane Riley, Daniel Thompson, Elick andAmanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from G. P. Fogle enclosing motions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM
C

JWJr

DEPARTMENT OF THE INTERIOR, LLB

D.C.29336. Washington.

I.T.D.17884-1905. July 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and theird, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedman
D 355.

Muskogee, Indian Territory, August 6, 1906.

Dennis Hicks, Sr., et al,

Vinita, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 878	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 983	Katie Davis,

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's

action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Register.

Commissioner.

Cherokee Freedman
D 298 et al.

Muskogee, Indian Territory, August 6, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 358	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Encl. M.A.4-1.

Commissioner.

Cherokee Freedman
D 295 et al.

Muskogee, Indian Territory, August 6, 1906.

Louis T. Brown,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 358	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 983	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead;

that Blue and Bulger, Baxter Springs, Kansas, are the attorneys in the case of Joshua Holt, et al, D 644; and that Edgar Smith, Muskogee, Indian Territory, is the attorney in all the other cases.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish thisoffice with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, and Edgar Smith, have this day been advised of the Department's action, and of which will be required of the applicants, and before submitting the list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

M.A.

Encl. 6-2.

Commissioner.

Cherokee Freedman
D 295 et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Kicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 355	Dennis Hicks, et al,
D 646	Sallie Miller,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 953	Katie Davis;

that Louis T. Brown is the attorney in the following cases;

D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead;

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the list

of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl.6-1.

M.A.

C O P Y.

Vinita, I.T. Aug. 11, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith find request from Sallie Miller and Anna Peterson for us to represent them in the matter of their application for enrollment as Cherokee Freedmen together with the applications of Esther Owens, F. D. 979 and Howard Bushyhead, F.D. 980 who belong to the same family. We also represent the other daughter of Sallie Miller whose name is Katie Davis, F.D.953 and we will send in an authority from her next week as we have done in the other cases.

These casesare really independent cases of their own all depending practically upon the return of Sallie Miller and her husband Buck Bushyhead to the Cherokee Nation after the close of the war of the rebellion. It is contended by the principal applicant, Sallie Miller, that she and her former husband, Buck Bushyhead were living together as husband and wife in Ft. Gibson in thelate fall of 1865 and that they continued to live there for a number of years when they went to Big Creek and improved a farm. It is claimed in the cases of the holts that they came to the Cherokee Nation in 1866. We have your letter of Aug. 6, 1906 addressed to Blue and Bulger, Attorneys for Joshua Holt, at Baxter Springs, Kansas and we notice that the Sallie Miller

case is consolidated with the case of Dennis Hicks, et al., F.D. 355 and we note that there is also a part of the Ridge case consolidated with this Dennis Hicks case. We represent all of the Ridges and all of the Holts and a part of the Hicks that belongs to the Ridge case and we will have each of them to sign a statement to file with you as we have in the Sallie Miller case showing that we represent them. We desire to know if the Sallie Miller case could be tried to itself. It is as follows:-

F D 648, Sallie Miller,

F. D. 979 Annie Butler (now Peterson and Daughter Esther Owens,

F.D. 980 Howard Bushyhead,

F. D. 953, Katie Davis.

These cases could be consolidated with the applications for the enrollment of Sallie Miller and we earnestly request that we beg granted separate trial in these cases. If we could try this case separately from the others we would be ready for trial at once. The testimony in this case would not apply to any other case in the list as we know of.

Wherefore we earnestly request that Sallie Miller and her descendants as above indiacted be given a separate trial.

Respectfully,

Starr & Patten
ATTORNEYS FOR SALLIE MILLER

C O P Y . F.D. 648

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & Patten of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Witnesses to mark.

Anna Peterson.
Jessie Patten.

her
Sallie X Miller,
mark. Applicant.

Dated at Vinita, Indian Territory,
this 10th day of August, 1906.

C O P Y . F.D. 979.

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES:

You are requested to enter STARR & PATTEN of Vinita, Indian Territory, as my sole attorneys representing me in the matter of my application for the enrollment of myself and those I represent as citizens of the Cherokee Nation, Esther Owens F.D. 979 and Howard Bushyhead F.D. 980.

You are advised that the authority heretofore given any other attorney to represent me is hereby revoked.

Anna Peterson,
Applicant.

Dated at Vinita, Indian Territory,
this 10th day of August, 1906.

Cherokee Freedman
D 646 et al.

Muskogee, Indian Territory, September 1, 1906.

Starr and Patten,

Attorneys for Sallie Miller, et al,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of August 11, enclosing notices signed by Sallie Miller and Anna Peterson that you have been employed to represent them in their Cherokee freedman cases. You request that the Cherokee freedmen cases of Sallie Miller, Anna Peterson, et al, Howard Bushyhead and Katie Davis, be consolidated and heard separate from the Cherokee freedman case of Dennis Hicks, et al, with which they are at present consolidated.

In reply you are advisedthat you have been entered as attorneys of record for said applicants. Upon an examination of the record had in the Cherokee freedman case of Sallie Miller, et al, it is not desired at this time to separate them from the consolidated case of Dennis Hicks, et al.

Respectfully,

W.A.

Acting Commissioner.

Cherokee Freed.
D 648-953-979-980.

Muskogee, Indian Territory, November 28, 1906.

Starr & Patten,

Attorneys for Sallie Miller, et al.,

Vinita, Indian Territory.

Gentlemen:

This office is in receipt of your letter of November 7, 1906, submitting a list of the names and addresses of the witnesses you expect to introduce on behalf of applicants, in the Cherokee freedmen cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis. You have heretofore requested that these cases be consolidated, and that they be heard separate from the freedmen consolidated cases of Dennis Hicks, et al., and you were advised by this office September 1, 1906, that it was not at that time desired to separate the cases.

Anna Butler and Howard Bushyhead are children of said Sallie Miller, and Katie Davis is a grand-daughter of Sallie Miller. Upon a further examination of the record in the case of Sallie Miller, it is found that she was born prior to the war of the rebellion, and that she did not return to the Cherokee Nation after the war at the same time the principal applicants in the case of Dennis Hicks, et al., claim to have returned.

It is hereby ordered that the cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis be separated from the consolidated case of Dennis Hicks, et al., and that they be consolidated and heard separate from said case. The applicants will be permitted to appear before the office of the Commissioner at Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, December 20, 1906, and introduce the testimony of the witnesses whose names and addresses you furnished this office in your letter of November 7, 1906.

Respectfully,

S.W.

Commissioner.

Cherokee Freed.
D 355.

Muskogee, Indian Territory, November 28, 1906.

Dennis Hicks, Sr.,

Vinita, Indian Territory.

Dear Sir:

On August 6, 1906, you were advised that your Cherokee freedman case had been remanded to this office for rehearing and readjudication on July 9, 1906, and that your Attorney had been requested to advise this office at the earliest practicable date the names and addresses of the witnesses he proposed to introduce on your behalf, and that upon receipt of such information your case would be set for a hearing.

This office has not been advised of the names of such witnesses and you are requested to advise this office by return mail whether you are represented by an Attorney at this time. Before your case will be set for a hearing it will be necessary that this office be advised of the names and addresses of the witnesses you expect to introduce on your behalf, after which the Attorney for the Cherokee Nation will be notified thereof, and a day set for hearing the case, of which all parties at interest will be advised.

Respectfully,

S.W.

Commissioner.

D.C.52242-1906.

(COPY)

D. HICKS

Vinita, Indian Territory,

Dec. 1, 1906.

To the Commissioner of The Five Tribes,

Muskogee, I-T-

Dear Sirs: Yours at hand I will say in reply that on Aug 15 1906 in anser to the remanded in this Cherokee freedman case that we were redey. and your anser come that we would be duly notified when redy, that is when case would be call. Now we have no Lawer but we have the witnesses for this case. Respectfully Dennis Hicks.

	Witnesses.
Postoffice	June Martan
Chaffee	Aney Bean
I.T.	Arter Bean
Needmore	Crap Lynch
I.T.	Randoff Balard
	Dennes Hicks

Cherokee Freed.
D 355.

Muskogee, Indian Territory, January 7, 1907.

Hon. William M. Mellette,
United States District Attorney,
Muskogee, Indian Territory.

Dear Sir:

Referring to your recent conversation with this office relative to submitting a list of the names and addresses of the witnesses proposed to be introduced on behalf of applicants in the Cherokee freedmen cases of Dennis Hicks et al., at which time you stated that you did not then desire to be entered as attorney in the cases but that you would advise this office later as to whether or not you desired to be entered as attorney, and as to submitting a list of the witnesses, your attention is called to the following provision of the Act of Congress approved April 26, 1906 (34 Stat.,137):

> "That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

You will see from this provision that it is of the utmost importance that the case be heard at the earliest practicable date, in order that their names can be placed

upon the Cherokee freedman roll, if it is found they are entitled to enrollment.

It is therefore requested that you advise this office, if practicable, by return mail as to whether or not you desire to be entered as attorney in the case, and if so, to see that the case is tried at the earliest practicable date.

Respectfully,

S.W. Commissioner.

Cherokee Freed.
D 355.

Muskogee, Indian Territory, January 7, 1907.

Dennis Hicks,

Vinita, Indian Territory.

Dear Sir:

In your letter of December 1, 1906, you submitted the names and addresses of certain witnesses you desire to introduce on your behalf in your Cherokee freedman case.

Since the receipt of your letter, Mr. Mellette, Attorney at Law, of Muskogee, Indian Territory, has called at this office and stated that he was in receipt of a letter from you asking that he appear as your attorney. Mr. Mellette informed this office that he would advise it later as to whether or not he desired his name entered as attorney in the case, and relative to the case being heard. A letter has this day been addressed to Mr. Mellette asking whether or not he desires to be entered as your attorney, and his attention is called to the law relative to the placing of names on the Cherokee freedman roll, and his immediate attention to the case, if he desires to accept it, has been urged.

If it should be found that you are entitled to enrollment it is extremely important to you, and to the other applicants in the case with which yours has been consolidated, that

the case be heard at the earliest practicable date, and your immediate attention is directed to the matter. The other applicants in the case whose names are known to you should also see that the case is tried at the earliest practicable date. You have heretofore been advised fully as to the status of your case and as to the rules in reference to hearing Cherokee freedmen cases.

Respectfully,

S.W. Commissioner.

Cherokee F.D. 355

COPY

Muskogee, Indian Territory, February 28, 1907.

Dennis Hicks, Sr.

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation, and of your wife and children as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been transmitted to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-65
RPI
Register.

COPY

Cherokee F.D
295 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this officeis informed of same.

Respectfully,

Commissioner.

Enc I-37

RPI

COPY

Cherokee F.D
295 et al.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl-35

RPI

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the recordof proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C Riley, Rosa Vann, Josephine Vann, William Rownsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner, dated February 28, 1907, rejecting said application.

In Connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said findin being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee Freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee freedman 1429, formerly Cherokee freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedman citizenship, be reversed.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner

Enc I-36

RPI

(C O P Y)

D.C.13395-1907. J.F.Jr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.8072-1907. March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 25, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedman opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman." You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmenship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc. and
2 to Ind. Of.

(C O P Y)

--Copy--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
21941-1907

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Mauselia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of February 28, 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 22, 1904 (I.T.D. 7724-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. 3907.

Mr. Bixby now reports that Laura Daniels was born since 1866 and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

Cherokee F.
D-355

Muskogee, Indian Territory, March 15, 1907.

Dennis Hicks, Sr.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, the application for the enrollment of yourself, wife and children as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED

JMH

Commissioner.

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.K-5
JMH

Cherokee V.
D-298 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-6
JMH

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[illegible] OF THE [illegible]
[illegible] ON TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1901

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Dennis Hicks, Sr., et al., for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of May 18th, 1901.

Mellette Smith

Attorney for Applicants.

Cherokee F. #D355.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

2nd notice

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727

Dennis Hicks, Sr.,

Vinita, Indian Territory.

MUSKOGEE, IND. T.
APR 10 1907
REG. DIV.

Cher Fr R 867
Trans. from Cher Fr D 356

Cher Fr R 867

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 20, 1901.

In the matter of the application of Walker Johnson for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name. A Walker Johnson.
Q How old are you? A Something over 57 years old.
Q What is your postoffice? A Locust Grove.
Q In what district do you live? A Saline.
Q Do you want to ~~apply~~ be enrolled as a Cherokee Freedman? A Yes sir.
Q Who is it you want to enroll besides yourself? Have you a wife?
A My wife is already enrolled; she is a Cherokee woman.
Q Have all the family been enrolled except you? A Yes sir.
Q You just apply for yourself? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q To whom did you belong before the war and at the time of the war?
A George Johnson.
Q Was he a recognized Cherokee citizen? A Yes sir, he was a Cherokee.
Q Give me the name of your father. A Reuben Johnson.
Q Is he dead? A Yes sir.
Q Give me the name of your mother. A Mary.
Q Is she dead? A Yes sir.

The 1880 authenticated roll examined and the name of the applicant not found thereon.

Q You are not on the roll of 1880, why is that? A I don't know, sir.
Q Have you always been recognized as a Cherokee Freedman? A Yes sir, and held an office and got permission from National Council.
Q From Nation Council about what? A To hold an office.
Q Did you ever apply to the National Council for admission as a Cherokee citizen? A Yes.
Q You say you did apply to the National Council to be admitted as a Cherokee citizen? A When they give me that permission I asked the Chief who was Joel Mayes; he said I was a natural citizen.
Q Have you a copy to that effect? A I turned it in before Mr. Hastings at the time of the other roll.
Q What, the Kerns Clifton Roll? A Yes sir.
Q When was it you claim to have gotten some document of that kind?
A I got it the last - I don't remember what year it was; it was in Joel Mayes' time.
Q About how long ago? A It was before the strip was sold.

The 1896 census roll examined and the name of the applicant not found thereon.
The Kerns Clifton Roll examined and the name of the applicant is found on page 148, No. 3668, Walker Johnson, Cooweescoowee District.
The Wallace Roll examined and the name of the applicant is found on page 120, No. 2521, Walker Johnson, District not given.

Q Who is there here who knows that you ought to be enrolled. Is there anybody that knew you at the time of the war? A Jim Alberty and Al Lynch.
Q Where were you during the war? A I was pretty much around Gibson, and I went to Kansas a while and come back.
Q You were in Kansas a while during the war? A Yes sir, a while.
Q About when did you go up there? A Along in the war time.
Q Towards the close of the war? A Yes sir.
Q How long did you stay in Kansas? A I stayed there four or five months, and then I come back, and I was hired teaman, driving team and I would go backward and forward.
Q Give me some account of yourself in coming back from Kansas; when did you come back from Kansas? A In '66.

Q What time in '66? A Just naturally up to what time, I don't know no date that time, I didn't have any.
Q What time of the year was it you got back? A I come down in the fall.
Q Where did you come to when you came back in the fall of '66?
A I come up here;first stopped in the Rowe settlement for a while.
Q Where is that Rowe settlement, do you mean Rose postoffice. I am talking about this settlement you came to first. I want to locate where it is. What settlement is that you are talking about? A It is up here, the edge of Delaware.
Q Who lives in the neighborhood and what do you call the neighborhood? A Arch Landrum lives in that neighborhood.
Q Did he live there when you came in '66? A He was around in through there, and I stopped with Lewis Rowe in that same neighborhood.
Q And who else was living there when you came? A Lewis Rowe's father then.
Q What was his name? A Old man Jesse.
Q So Arch Landrum lived there then? A Yes sir.
Q And Lewis Rowe and his father Jesse? A Yes sir.
Q They were there when you came back from Kansas? A They were there, yes sir.
Q How long did you stay there? A I stayed there a couple of weeks.
Q Well then, what did you do? A I went on further down and I stopped with a Cherokee man by the name of Saturday Vann.
Q Where did he live? A He lives between three or four miles near the Orphan Asylum, this side.
Q How long did you stay down there? A Off and on down there for two or three months.
Q And then what did you do? A Well, I worked around here a little bit and then I went away from there.
Q Where did you go? A I went down to the mouth of the Verdigris.
Q And what did you do down there? A I run the ferry boat then.
Q How long did you stay there? A I stayed there seven or eight months or longer.
Q And then what did you do? A I ~~\#\#\#\#\#\#\#\#~~ would go back over there and in the Creek Nation running around over through there.
Q How long did you run around over the Creek Nation? A Run around a week or two, and then go to work.
Q Where would you work? A At Mrs. Brady's.
Q Around about that ferry? A Yes sir.
Q What was her full name? A Mrs. Laid Brady.
Q Did you then ever settle down and live steady at any one place? A I settled down and lived here in Saline District.
Q Where were you in 1880 when that 1880 roll was made? A I was living in Saline District then.
Q Why were you not put on that roll? A I don't know; my wife drew in the '80 roll; she drawed money for both of us.
Q I am talking about you? A I don't know why they didn't put me on.
Q Did you apply to be put on the roll then? A No, I don't think any of us did. I was just living here in Saline District.
Q Didn't you go to be put on the roll? A There was no call for us colored to go to be put on the roll. I went to Tahlequah a time or two.
Q I am talking about the roll of 1880. I want to find out why you aint on that roll? A I don't know, sir.
Q What have you been doing since 1880? A Still working around from '80, in Saline District.
Q Ever since '80? A Yes sir, have a good farm and me and my old woman been living together for 35 years.
Q What is your wife's name? A Patsy.
Q She has been enrolled? A She was enrolled at Pryor Creek.
Q She is a Cherokee, is she? A Yes sir.
Q When you married her, did you get out a Cherokee license? A Yes sir, paid for it.
Q Where is it? A I just went to the judge and he married us, and I paid him the money and I suppose he registered it.

Q You didn't speak to anybody but the judge? A I went to the judge and his wife and his daughter was witness there.
Q Did you have any dealings with the Clerk before you went to the judge? A No sir.
Q The judge just married you and you didn't get out a license? A No sir, the judge married us.
Q But you didn't get any license from the Clerk? A No sir.

Jim Alberty, being sworn and examined by Commissioner C.H. Breckinridge, testified as follows:
Q Give me your name. A Jim Alberty.
Q How old are you? A Seventy years old.
Q What is your postoffice? A Chouteau.
Q How long have you lived in the Cherokee Nation? A All that time, I have told you.
Q All your life substantially? A mYes sir.
Q Do you know the applicant here Walker Johnson? A Yes sir.
Q How long have you known him? A Ever since we were both boys.
Q Who did he belong to before the war? A William Vann, is the man he belonged to when I was with him.
Q Did he belong to William Vann at the time the war broke out? A Yes sir.
Q Did you live in the same neighborhood? A No sir.
Q How far did you live from him? A I lived quite a distance from where he did.
Q About how far? A Forty or fifty miles, I reckon.
Q How did you happen to know anything about him? A I used to go there every fall and go there horse training.
Q He was there on William Vann's place? A He was there; I don't know whether he was exactly on William Vann's place or not.
Q He belonged to William Vann? A Yes sir.
Q How do you know that? A He had been with him a long time; the last time I saw him he was at William Vann's.
Q Was that the time the war broke out? A About that time.
Q Did you see anything of him during the war? A No sir.
Q Not while the war was going on? A No sir.
Q What about after the war, did you know about him? A I saw him running Mrs. Brady ferry in 1866. I crossed there several times.
Q The first you saw him after the war was when he was running Mrs. Brady's ferry across the Verdigris? A Yes sir, right where the rivers come together there.
Q Do you know anything of him since that time? A Yes sir.
Q What do you know about him? A The next time I saw him was on Grand River at Lewis Rowe's.
Q Well, when was that? A I don't know; a year or two after I saw him at the ferry; maybe longer; it may have been two or three years, I don't know how long.
Q Have you seen anything of him since that time down until now? A Yes sir.
Q What have you seen of him? A I saw him at the election when he run for Grand Council, and they elected him; I voted for him at that time.
Q Do you mean the Cherokee Council at Tahlequah? A Yes sir.
Q About when was that? A I don't know what year.
Q About how long ago? A That has been a great while ago; I couldn't tell. It has been ten years or more.
Q Have you been living in his neighborhood of late years? A Yes sir, and living there now.
Q How long has he been living in your neighborhood? A I don't suppose less than ten years, I reckon.
Q And what is your postoffice? A Chouteau.
Q Do you know anything about Walker Johnson having been over in the Creek Nation? A No sir, I do not.
<u>W. W. Hastings:</u> Mr. Alberty, what time did you see him at that ferry - what time of the year? A I think it was in the fall as well as I can recollect.
Q You don't recollect what month? A No sir.
Q Did you just see him the one time? A I crossed there several times.
Q Where were you going? A Sometimes to Muskogee and then coming

back.
Q That was in '66? A Yes sir.
Q He was running a ferry there, was he? A Yes sir, he was running a ferry.
Q Across what stream? A The Arkansas and Verdigris all run together.
Q Right below the mouth? A Yes sir.
Q Just west of Fort Gibson? A Yes sir, west of Fort Gibson.
Q You were going backwards and forwards from Fort Gibson to Muskogee? A From up home where I lived at the old Markham place to Muskogee.
Q That is when you saw him in the fall of '66? A Yes sir.
Q You are positive about that? A Yes sir.
Q Who did you trade with over in Muskogee then? A Just any where; I didn't take any particular notice.
Q Don't you remember anybody in particular? A No sir.
Q That is what you were doing trading backward and forward over in Muskogee, weren't you? A No.
Q You did trade some? A I bought myself some little tobacco, but I don't know.
Q Who would you buy tobacco of at that time? A I suppose it must have been Josh Ross, the most of the time; I was acquainted with him. I don't know positive, but I guess it must have been him.
Q Do you remember anybody else that had a store there at that time? A No sir, I don't knowexactly.
Q How large a place was Muskogee at that time, about how many? A I couldn't tell thay.
Q One hundred or two hundred? A I can't say that for I don't know.
Q Well there were a number of stores; three or four? A There may have been three or four stores.
Q You don't recall the name of anymore? A No sir, I don't know.
Commissioner of Applicant: Where did you say you are living now, in what neighborhood? A In Saline District just below the Orphan Asylum.
Q How long have you been living there? A I have been living there in Saline District for over twenty years. Me and my old woman have been married nearly 22 or three years.
Q And you have been living near the Orphan Asylum? A Yes sir, right below there right on the river all the time.
Q What is the name of that man you spoke of, Saturday Vann? A Yes sir.
Q How far did he live from the Orphan Asylum? A About three or four miles up the river.
Q Is he still living? A No sir.
Q Are you living now in the neighborhood where he did live? A Pretty much.
Q About how far from the place where he lived when you went to his house after the war? A I suppose it is about four miles from where I live or more now.to his old place.
Q Where doesJesse Rowe live? A He lives up here on the river.
Q Jesse Rowe and Lewis Rowe were they brothers? A He was the old man's son.
Q Jesse is the son of Lewis? A Lewis is the son of Jesse.
Q How far did they live from this Orphan Asylum neighborhood where you live? A I am living near the Orphan Asylum. It is about 20 miles. It is about 15 and 16 miles from there up to the Hannah settlement, and I suppose it is called about eight miles to where these men live that you are speaking of, asnear as I can get at it.
Q So they live some 35 miles miles or such a matter from this Saturday Vann and this Orphan Asylum neighborhood where you are living? A I gave it to yu as near as I can; yes sir, about that.
Q Are there any Rowe's living down about the Orphan Asylum now? A No sir.
Q And in this neighborhood where you are living now is the same ngighborhood that you went to just after the war when you met Saturday Vann? A Right up here and then I went in there, down ——
Q I am not talking about that perhaps. You told me that when you left Arch Landrum and Jesse Rowe's neighborhood, you went to the

5- W. J.

Orphan Asylum neighborhood where Saturday Vann lived? A Yes sir.
Q You are living in that same neighborhood? A Yes sir.
Q And been living there for some twenty years? A Yes sir.
Q Is there any white people by the name of Rowe living there?
A Gull Rowe, Napoleon Rowe; these are all Cherokees.
Q Are there any Jesse Rowe's living there? A No sir.
Q How far does Jim Albery live from you, and from where you have been living for twenty years? A He lives in the lower end of my neighborhood.

The applicant is identified on the Wallace Roll and the Kerns Clifton Roll, but not upon the roll of 1880 or 1896. He states that he came back to the Cherokee Nation from Kansas in the fall of 1866, and settled in what is known as the Arch Landrum and Lewis Rowe and Jesse Rowe neighborhood, and stayed there some two weeks, and then went to the neighborhood of the Orphan Asylum in Saline District, and stayed there two or three months and then went to the mouth of the Verdigris and did a ferry business for a Mrs. Laid Brady. His subsequent life appears to have been passed in the Indian Territory, and substantially in the Cherokee Nation, except an indefinite period some twenty years, or such a matter ago, in the Creek Nation, but he states he was in the Cherokee Nation twenty years ago at the time the roll of 1880 was made. His witness, Jim Alberty, claims in the face of this testimony to have met the applicant at the ferry alluded to on the Verdigris River in the fall of 1866, and further states that at that said time he was on his way to trade at Muskogee, which is described as being a town of some population and business at that time. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card. For the further consideration of the testimony as stated, and for inquiry as to the time when the town of Muskogee was established or possessed any population at all; it being definitely stated by the applicant's witness as indicated that that was a town of considerable population and business at the time he first met the applicant after the war. It should be borne in mind, however, that the applicant claims to have made trips to the Creek Nation after he first worked at the Brady Ferry, and to have returned to work at the Brady Ferry at subsequent times. When the final decision of the Commission is reached in this case, it will be made known to the applicant at his postoffice address.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. G. Rothweiler.

Subscribed and sworn to before me this 21st day of May, 1901.

Meredith C.
Commissioner.

AB. A.D. 3168

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 20 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 20th 1901

Post Office Locust Grove I.T.

District Saline, I.T.

1. Name Walker Johnson Age 57

Owner's name George Johnson Citizenship

Year K C Page 166 No. 3668 District Coo

Parents:

Father Reuben Johnson (dead) Citizenship

Mother Mary " " Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Doubtful Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Doubtful Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by (No 1) Stenographer E. G. Rothenberger

No 1 vs Wallace, vol 2 page 120 No 2521

B. J. N. 356

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 22 1901.

ACTING CHAIRMAN

Supplemental Freed. D - 356.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 31, 1901.

Supplemental testimony in the matter of the application of Walker Johnson for enrollment as a Cherokee Freedman.
(Isaac P. Bledsoe, Agent for Applicant, and W. W. Hastings, Cherokee Representative, present.)
Patsy Johnson, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your name. A Patsy Johnson.
Q How old are you? A I can't exactly tell how old I am; they did say I was sixty the last time I was put onthe roll.
Q You are about 64 or 5? A Yes sir; I come from the old nation.
Q What is your postoffice? A Locust Grove.
Q In what district do you live? A Saline.
Q Do you want to give some testimony in the case of Walker Johnson?
A Yes sir, a few words.
I. P. Bledsoe: Do you know Walker Johnson? A Yes sir.
Q How long have you known Walker Johnson? A Well, I have knowed him for - we have been married for 23 years and I knowed him three years before we were married.
Q Where has Walker Johnson resided since you have known him? A Right down on to Saline; backward and forwards right around the the neighbors there. His ma used to work and stayed around Saturday Vann's and worked for those merchants.
Q Did you know Walker Johnson before the war? A Well, I knowed him direcly after peace was declared.
Q In what year did you know him? A I can't tell you that.
Q You don't know whether you saw him in '66 or not? A I haven't got any learning at all.
Q What relation are you to Walker Johnson.Are you married to him?
A I am married to him.
Q When did you marry him? A I can't tell you that; it has been 23 years ago since me and him married.
Q Were you married according to Cherokee law? A We were married by the law.
Q Who married you? A The Judge.
Q A Cherokee Judge? A Yes sir, a Cherokee Judge at that time.
Q Have you got a certificate of your marriage? A No sir, they neber issued any at that time.
Q Do you know whether Walker Johnson ever was elected to any office by the Cherokee authorities or not? A

W. W. Hastings, Cherokee representative, objects to that as the records will show that.
I. P. Bledsoe: The records are in the custody of the Cherokee authorities and we would like to have everything we can in evidence.
Commissioner: The objection is overruled and question permitted to go in the record.

Q Do you know whether Walker Johnson was ever elected to office or not by the Cherokee authorities? A Yes sir.
Q Did he serve in that official capacity? A Yes sir.
Q Did they allow anyone at that time, any but Cherokee citizens to vote or hold office? A They allowed to hold but one office, and they were allowed to hold that.
Q Was anybody but Cherokees allowed to vote at that time - did they allow people from the states, non citizens, to vote? A No sir.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Are you upon any roll. What roll are you on? A On the '80 roll.
Commissioner: What office did Walker Johnson hold? A Grand Council.
Q What year was that? A It was the time Judge Ayes was Chief.

This is to Mr. Bledsoe: If you want to establish that Walker Johnson held that office, it will be well for you to get official evidence of that fact from Tahlequah. They doubtless have a record of the members of the Council.

W. W. Hastings: You have known Walker Johnson for about 23 years I believe? A I have known him longer than that; we have been married that long.
Q Where did you first see him? A I first seen Walker Johnson right where John Price used to have his store right on the river; he used to work for him, Jack Riley, and all of them; he used to work for them.
Q Where did you go during the war? A I stayed home until I couldn't stay, and I went to Neosho.
Q Who did you go with? A With the soldiers.
Q Who did you come back with? A With the Company.
Q Where did you come to? A To Tahlequah.
Q Did you live at Tahlequah a while? A We come to Tahlequah a while and stayed there a while and then they moved us all back to Gibson.
Q And you stayed there a while? A I stayed there until peace.
Q And then where did you go? A And then I went home home on Fourteen Mile Creek.
Q That was in Tahlequah District? A Yes sir.
Q And you lived there until you were married? A I lived there until I was married.
Q Now, after the war, and before you married Walker Johnson, about how long before you married Walker Johnson, was it, did you see him? A I reckon it was about five years.
Q That is your best judgment? A Yes sir.

This will be filed as additional testimony in Cherokee Freedman D Card 356.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. J. Rothenberger

Subscribed and sworn to before me this 2nd day of May, 1901.

Tams Bixby
Commissioner.

Ky 1P356

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MAILED
NOV 14 1901

ACTING CHAIRMAN.

Supl.C.F.-D.#356. _R_

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 22d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of WALKER JOHNSON as a Cherokee freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. I. P. Bledsoe, Agent for applicant;
Mr. J. S. Davenport, of Counsel for Cherokee Nation.

M. B. ROWE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A M. B. Rowe.
Q Where do you live, Mr. Rowe, I live at the Rose post office, Saline.
Q How old are you? A 52.
Q How long have you lived in the Cherokee Nation? A About 52 years
Q Do you know a colored man by the name of Walker Johnson?
A Yes, sir.
Q Did you know him before the war? A No, sir, I didn't know him before the war!
Q When did you first see him after the war? A Why I saw him to the best of my recollection about '70.
Q Where did you see him? A I saw him down in Saline district.
Q Who was with him at the time you saw him, if you remember, or what was the circumstances under which you saw hjim? A I saw him there at his wife's father.
Q Who was his wife's father? A Man by the name of Johnson, old man Johnson.
Q What was he known by there, was he known by Walk Johnson, or by some other name? A He was known by Walker Sparks.
Q You don't know how he got that name, do you? A No, sir.
Q You had been living in that Rowe neighborhood from the time you came there until 1870? A Yes, sir.
MR. BLEDSOE: You don't know where Walk Johnson was in 1866 of your own knowledge? A No.
Q That was the first time you had ever seen him? A Yes, sir.

MURRELL JOHNSON being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A Murrell Johnson.
Q Where do you live, Murrell? A I live in Tahlequah district.
Q Did you ever live in Saline district? A Yes, sir.
Q Where were you raised, what part of the Territory?
A In Saline district.
Q Do you know walker Johnson? A Yes, sir.
Q Did you know him before the war? A No, sir.
Q Well, did you go out of the Territory during the war, Murrell?
A Yes, sir.
Q What year did you come back? A Come back in '66.
Q To what place did you come in '66? A Old man Dave Rowe's.
Q Where did you settle with reference to the Rowe place in '66?
A I settled west of Dave Rowe's.
Q Well, did you have anything to do with the Rowe place after you come back down there, you or your father? A Yes, sir, made a crop on the place next year.
Q How many crops did you make on the Rowe place? A Ir I mistake not we made two crops.
Q And then what did you do? A Then we had out place opened up and made a crop there.
Q After you came down here and made those crops did you go back to Kansas? A Yes, sir, I went back on a visit.

Q Where did you go? A Went to Ottawa.
Q well, who did you see up there? A I seen lots of my friends and seen Walker Sparks up there.
Q Did you know whether Walker Sparks is the same man that goes by the name of Walker Johnson now? A Yes, sir.
Q If I understand you, you made two crops on Rowe's place and one crop on your own place? A Yes, sir.
Q Andyou came here in 1866? A Yes, sir.
Q And went up there you found Walker Sparks? A Yes, sir.
Q Now, what became of Walker Sparks when you came down here?
A He came with me.
Q That was about two years after you came down here i n '66?
A Yes, sir.
Q Walker came with you? A Yes, sir.
Q He has been living down here ever since that time? A Yes, sir.
MR. BLEDSOE: Do you know whether, of your owner knowledge, Walker was ever in the Nation in '66 or not, do you?
A No, sir.
Q When did you get acquainted with Walker? A I just got acquainted with him up there in Kansas.
Q Do you know when he got married? A Yes, sir.
Q Have you known him and his wife ever since? A Yes, sir.
Q Did he marry a Cherokee by blood? A Yes, sir, he got a Cherokee wife.
Q He has been living with her how long, of your own personal knowledge? A Well, I could not say, I never paid much attention to it.
Q About 15 or 20 years? A Yes, sir.
Q Living here in the Cherokee Nation? A Yes, sir.
Q He has been recognized by the Cherokees as a citizen has he?
A Not that I know of.
Q Do you know of him ever be ing elected to the Grand Council of the Cherokee Nation? A I remember he was once.
Q The people were elected hereby vote? A Yes, sir.
Q And you only voted for Cherokees?
Mr. Davenport: I object to that.
Q Did you ever vote for Walker Johnson for Grand Council?
A No, sir.
Q Did anybody sit in that Council but Cherokee citizens, or does anybody else sit there in that Cherokee Council but Cherokee citizens? A Sometimes they have colored men.
Q Are they Cherokee citizen? A Yes, sir.
Q They have white men and Red men there, don't they? A Yes, sir.

Commission: The Agent for the applicant offers in evidence a copy of a Communication from W. A. Jones, Commissioner of Indian Affairs, dated at Was hington, June 12th, 1901, with reference to a Commission as Grand Councilor of Saline district, in the Cherokee Nation for a term of two years from November 16th, 1891, filed with the Department by the applicant in this case, Walker Johnson.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the copy of communication for the reason that if it shows upon the face that the facts recited herein are ture, it would not tend to establish or deny the right of the applicant to citizenship.

MR. M. B. ROWE, recalled for additional cross-examination:
MR. BLEDSOE: How long have you known Walker Johnson and his wife? A The wife he brought down here when he came?
Q This woman here, his present wife? A I guess I have known Walker Johnson ever since about '70.
Q How long have you known this woman; how long have you known them to be living together as man and wife, is what I want to know?

A About 11 or 12 years.

Mr. Bledsoe: I want to introduce Section 689 of the compiled lawsof the Cherokee Nation of 1892, Article 21.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedingsin this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 29th, 1901.

Commissioner.

15-356

70356

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 4 1902

Acting Chairman

F. D-356.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 9, 1902.

Supplemental testimony in the matter of the application of Walker Johnson for enrollment as a Cherokee freedman.

Applicant represented by I. P. Bledsoe; Cherokee Nation by W. W. Hastings.

Nelson Lowry, being sworn and examined, testified as follows:
By W. W. Hastings: What is your name? A Nelson Lowry.
Q What is your age? A Forty-one.
Q What is your postoffice? A Tahlequah.
Q Do you know the applicant, Walker Johnson? A Yes sir, I have seen him several times.
Q Are you a freedman living in Saline District? A Yes sir.
Q Do you know whether he ever had Murrel Johnson's sister, Mandy?
A Yes sir, he has a child by her, Alice Johnson.
Q This is the same Johnson? A Yes sir.
Q Where does he live? A Tahlequah.
Q Did he testify in this case? A Yes sir.
Q It was his sister that he had the child by? A Yes sir.

—o—

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. Rothwell.

Subscribed and sworn to before me this 23rd day of May, 1902.

Notary Public

(C O P Y)

Supplemental to Freed. D 356

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T . May 9, 1902.

Supplemental testimony and proceedings in the matter of the application of Walker Johnson for enrollment as a Cherokee Freedman; testimony on behalf of the Cherokee Nation.

Appearances: I. P. Bledsoe, Agent for applicant
W. W. Hastings, attorney for Cherokee Nation

BEN GREENLEAF , being sworn and examined, testified as follows:

By W. W. Hastings:
Q What is your name? A Ben Greenleaf
Q Where do you live? A Tahlequah
Q What is your age? A About eighty, I reckon.
Q As near as you can guess at it? A. Yes, as near as I can guess at it:
Q Where were you living before the war? A. On Grand River at the gravel house.
Q Who did you belong to? A. Clem Vann
Q How long did you belong to him before the war? A. About five years I reckon. He married my young mistress, Jim Mackey's daughter. Jim Mackey raised me. They took us up to Grand River
Q Where did you live before you went to Grand River? A. Near the Salt Works.
Q In Illinois District? A. Yes sir.
Q How far below Fort Gibson? A Twenty miles from Fort Gibson; ten miles from the Falls.
Q Did any of your relatives live up in Goingsnake district near Cincinnati, Arkansas? A My wife who belonged to Sally Musgrove
Q How far from the line? A. About five miles from Cincinnati, about four miles from the line of the State of Arkansas.
Q Did you ever go up in that country ? A. Many times; I used to haul goods there; my old boss had a store there at Musgrove.
Q Four miles from the Arkansas line? A. Yes.
Q Do you know walker Johnson who lives up in Saline District, a colored man who has a wife by the name of Patsy? A. I didn't know anything about him belonging to Johnson.
Q Do you know him now by the name of Walker? A. If it is the same man I know him. I knowed the one that Joe Parks had
Q Did you know the Walker Johnson who lives up in Saline, do you know him now? A. If I was to see him I would know him. I haven't seen him since before the war.
Q How do you know he has a wife by the name of Patsy? A. All the folks that knows him and knows the woman. I knew the woman; I didn't know she was the woman. Since they told me I know her; her name was Patsy Thornton; she had a white man and he got drowned. He first married a woman on Miss Musgrove's place, her name was Amanda Johnson; she was a sister of Murrell and Fog Johnson.
Q This is the same man. Did you know him? Did you know him before the war? A. If it is the same man I would, knew him before the war.
Q Did you know that man before the war? A. Yes.
Q Who did he belong to? A. Joe Parks. He had a store in Cincinnati.

Q Was he a citizen of the Cherokee Nation? A. No sir, he was a white man.
Q Did he live there when the war come up? A. A little before the war come up, if it is the same man.
Q Did you know his father Reuben? A. I know a man they called Reuben; he belonged to Bushyhead.
Q Do you know whether it was his father? A. I don't know.
Q Have you ever been in Saline District since the war? A. I have been there once, the time the Cherokees got paid off.
Q Did you ever see this walker up there? A. Not that I know of; there was no black people drawing there then, the Indians were drawing
Q You haven't seen this walker since the war? A. Not since the war
Q Have you heard of him marrying? A. Marrying Patsy Thornton.
Q The same man that married Patsy Thornton and that you knew before the war? A. The same man they tell me.

Q Joe Parks was a white man? A. He is a white man, a tall white man like Markham.
Q A citizen of the state of Arkansas? A. A citizen of Cincinnati.
Q He was no Cherokee citizen? A. No sir, he was a white man.

By I.P. Bledsoe : You knew a fellow by the name of Reuben Johnson did you? A. No, I never said anything about Reuben.
Q That is the one that walker claims was his father? A. I know a Reuben that belonged to Bushyhead.
Q Was Bushyhead a Cherokee citizen? A. Yes.
Q How old was this walker when you knew him? A. He was a pretty good size man; he ought to be sixty some odd years old by this time.
Q How come he to belong to this man in Arkansas and his father belonged to a Cherokee? A. That can be done mighty easy. Don't you kno they sold the darkies one place and another in slave times?
Q Do you know Joe Parks bought this man or whether he hired him?
A He owned him as a slave. I am telling the truth; you don't want me to tell no lie.
Q You know Parks owned him? A He went by the name of Parks and I never heard anything else.
Q You don't know whether he was hired out or not by Parks?
A He wasn't hired by Parks; he belonged to Parks.
Q He first said he belonged to Johnson? A. What Johnson was it?
By Mr. Hastings: George Johnson.
By Mr: Bledsoe: You don't know of your own knowledge that he belonged to Parks? A. I don't know of my own knowledge but everybody in the neighborhood said he belonged to Parks and I saw him lots of times before the war and he went by Parks niggers. Nobody said he belonged to anybody else.
Q You don't know anything about who his mother was? A. Don't know anything about his mother.
Q You don't know anything about his being known as Walker Johnson?
A I knowed him as walker Parks. He said Johnson used to own him. This here Bob Parks he speculated on darkies and went over where he could buy them.
Q Georg Johnson, did you know a Cherokee by George Johnson?
A Yes, that was old Ben Johnson's son.

Q Do you know whether Walker ever belonged to this George Johnson or not? A. I don't know who he belonged to; I guess he belonged to Joe Parks.
Q They were trading and trafficing people out before the war weren't they? A. Yes.
Q Hiring them out and selling them? A. They hired them out, and selling them too, and this here Parks was a nigger trader. It looks as if he was a nigger trader he wouldn't hire them, he would buy them.

3-Walker Johnson.

Q You don't know really nothing about this Walker Johnson or Walker Parks, or who he belonged to? A. He belonged to Joe Parks is all I know.
Q You haven't seen him to know him since the war? A. No sir.
Q You know whether a Walker Johnson was elected to the National Council or not? A. Not that I know of
Q Where have you been living since the war? A. Been living at the Salt Works in Illinois and at Fort Gibson; those are the only places.
Q You have been living some distance from the Orphan Asylum that is in Saline District? A. I never lived up there no more at Grand River after peace . I never went back any more. I have been back to Talala station.
Q Since the war you know very little about the people up in that country? A. I don't know; I knowed them most all before the war and a heap of them is dead.
Q Were you ever arrested for any offense? A What for?
Q Arrested? A No sir.
Q Were you ever put in jail? A. I was put in jail at Tahlequah over Mat Yoakum scrape.
Q What was you accused of? A. They claimed I was schemeing outside to get my son out.
Q And were you convicted? A.No sir.
Q They put you in jail?A They put me in jail for safe-keeping; they thought I would get mobbed or something.
Q How long did you stay in jail? A. Five weeks
W. W. Hastings: You never were indicted; they were awaiting action of the grand jury? A. They put me in there for safe-keeping.
Q They throwed it out at Claremore? A. Yes sir
Q You knew this man you are talking about at dances before the war?
A Yes sir, he used to come down there to Bushyheads and Musgroves where all the darkies come; they had a lot of dances and a heap of niggers from Cincinnati would come over Saturday night.
Mr. Bledsoe: You don't know whether it is the same man or not?
A I haven't seen him, I haven't known.
Mr. Hastings: You understood this man married a Patsy?
A He married Mandy Johnson and then married Patsy.
Q This Reuben that belonged to Bushyhead, did they own him or did they sell him? A. They sold him, his wife and Jinsy for Dennis and Ned Bushyhead to go to California on before the war.
Q Who did they sell him to, white people or Cherokees? A. To white people across the line. I never seen the old man for three or four months; he was a preacher; he came over on the Cherokee side and preached.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger

Subscribed and sworn to before me this 9th day of May, 1902, at Muskogee, I. T.

(Signed) P. G. Reuter
(S E A L) Notary Public

Lucy M. Bowman, being duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 21st day of February, 1906

B. P. Reuter
Notary Public

(C O P Y)

F. D. -356

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., May 9, 1902.

Supplemental testimony in the matter of the application of Walker Johnson for enrollment as a Cherokee freedman.

Applicant represented by I. P. Bledsoe; Cherokee Nation by W. W. Hastings.

Nelson Lowry, being sworn and examined, testified as follows:

By W. W. Hastings: What is your name? A. Nelson Lowry
Q What is your age? A. Forty-one
Q What is your postoffice? A. Tahlequah
Q Do you know the applicant, Walker Johnson? A. Yes sir, I have seen him several times.
Q Are you a freedman living in Saline District? A. Yes sir
Q Do you know whether he ever had Murrell's Johnson's sister Mandy?
A Yes sir, he has a c ild by her, Alice Johnson.
Q This is the same Johnson? A. Yes sir.
Q Where does he live? A. Tahlequah.
Q Did he testify in this case? A. Yes sir.
Q It was his sister that he had the child by? A. Yes sir.

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The und rsigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger

Subscribed and sworn to before me this 23rd day of May, 1902.

(Signed) P. G. Reu er
Notary Public.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full, true and complete copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 21st day of February, 1906

B. O. Maxwell
Notary Public.

F. D.--356 (C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Walker Johnson for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-356.

APPEARANCES:
I. P. Bledsoe, Chouteau, I.T. for applicant
W.W. Hastings, for Cherokee Nation.

WALKER JOHNSON, being first duly sworn, testified as follows:

MR. BLEDSOE: What is your name? A Walker Johnson
Q How old are you? A. Well I am about 58 years old
Q Where do you live? A Saline District
Q Were you a slave at the commencement of the war? A. Yes sir
Q Prior to the war? A. Yes,s sir
Q Who did you belong to? A. Johnson
Q What's his given name? A. George Johnson.
Q Was he a Cherokee citizen? A. Yes sir
Q Where did you live? A. I lived right down at Fort Smith on this bank.
Q Were you there during the war? A. Yes,sir.
Q Until the slaves were freed? A. Yes,sir
Q You belonged to him? A. Belonged to him.
Q You weren't sold out? A. Not that ever I learned nor know of.
Q Were you ever with a man by the name of Sparks? A. I went with him as a waiter.
Q As a waiter? A. Yes,sir.
Q You wasn't sold to him then? A. Not that ever I knowed of.
Q Only just hired to him? A. Yes,sir
Q What time was it that you first went with sparks? A. What time, why now I will have to set it by a certain time of the war, I went with Sparks, if you remember- it's on record I reckon- about when Van Buren was taken and directly after the Hineman fight
Q How long did you stay with Sparks? A. Little over five months
Q Where did you go then? A. I went over, went down the river with him a piece
Q When did you come back? A. Well I come back along the last day of June.
Q What year? A. Well I couldn't keep a record of that year; it was in the same time.
Q Was it during the war? A. Yes,sir, during the war
Q And you have been here in the Cherokee Nation ever since?
A Yes sir.
MR. HASTINGS: Didn't you swear you went to Kansas? A. Well I said-- yes,sir, I have been up in Kansas around.
Q But you told him that you had been here ever since? A. I have lived here off and on.
Q You didn't tell in your main examination when you first applied to this Commission that you belonged to Sparks did you?
A No, I didn't because I wasn't asked
Q Sparks lived over in Arkansas didn't he? A. Well he lived across the river.
Q He was a white man, wasn't he? A. He was a white man.

Q When you were freed you were with him? A. No, I run away from him.
Q Run away from him? A. Went to Texas.
Q And where were you, did you go to Texas? A. No, sir, I didn't
Q Where did you go to when you were freed? A. Come to Fort Gibson
Q Were you free, too, before that? A. Come to Fort Gibson and been free ever since.
Q Well the last man that you were with and under his control was this white man Sparks? A. That is the last man.
Q You had Murrell Johnson's sister for a time didn't you?
A I did.
Q And had some children by her? A. I did.
Q Did you know Ben Greenleaf? A. That's a man I don't know nothing about; no, I don't; if I did I would tell you.
Q Did you know Ben Vann? A. Ben Vann?

Q Yes? A. Where did he live? I don't know this Ben Vann.
Q Belonged to Clem Vann, or to Clem Vann's wife, the Mackeys?
A Well that's up here.
Q You knew him didn't you? A. I have seen him a time or two. Didn't really know the man.
Q Used to go to dances with him up there near Cincinnati around on Musgrove up on the line? A. Never was dancing at Musgrove.
Q Well in that country, I mean in that neighborhood? A. No.
Q Never at any dance at all? A. Oh yes, I have been to dances.
Q You did go to dances up there? A. Not up there; all my dancing was done in Sequoyah.
Q Where did Sparks live, this man Sparks? A. Stayed over there in Fort Smith
Q In Fort Smith, huh, in Arkansas? A. I guess so, in Arkansas; it's in Fort Smith.
Q Now how long before the war was it that you went from johnson's to Sparks? A. It was time of the war.
Q Well after it had begun? A. Yes sir
Q Before you were freed? A. Yes,sir
MR. BLEDSOE: You say you wasn't sold to this man sparks?
A Not that I ever knowed of.
Q What were you doing over there at Sparks'? A. Waited on him in the army.
Q Weren't you riding horses? A. Rode horses, attended to a race mare.
Q Well if Ben Greenleaf stated that you was sold to this man Sparks he told something that wasn't so? A. Well I don't know; if ever I was sold we knowed nothing about it; all I know he was to carry me to Red River to George johnson, and I run away from him, and that's the last of it.
Q And you come back to the Cherokee Nation? A. I come right back to Fort Gibson
Q And remained here? A. Remained until I went into Kansas and worked around.
Q Did old man Johnson, your owner, own anybody besides you?
A Yes sir.
Q Who was the other parties? A. Want them all?
Q yo; was Joe Johnson one of them? A. Yes,sir.
Q George own him before the war? A. Knowed him ever since he was that high (indicating)
Q Did he belong to the same man? A. I belonged to his son, and he belonged to the father, all the same.

MR. HASTINGS: Now Uncle Walker you say you don't know whether you was sold or not? A. No, sir, I don't know.
Q You were ignorant at that time and didn't know? A. Master didn't tell us what he was doing, he sent off, and told me, he says, "They'll take you to Red River," and that's all I know about it.
Q They often made those excuses to you slaves before the war when they went to sell them? A. They always told them something but the truth.

JOE JOHNSON, being first duly sworn, testified as follows:

MR. BLEDSOE: What's your name? A. Joe Johnson.
Q What is your age? A. 51.
Q Where do you live? A. I live between the two rivers, Verdigris and Arkansas, near Gibson Station.
Q Are you a Cherokee freedman? A. Yes, sir
Q On the 1880 roll? A. Yes sir
Q Do you know one walker Johnson? A. I know him now by that name, but he never did go by that name when we all lived with our owners; he went by the name of Hubbard
Q Hubbard Johnson? A. Yes, sir.
Q Now did you and he belong to the same man? A. We did; we belonged to Ben Johnson.
Q Was he a Cherokee citizen, Ben johnson? A. Yes sir.
Q Where did you live at that time? A. Down here, Gabriel Paynes, near Fort Smith. I seen him at the time that when they was moving all of us out from home, that was my last seeing of him, when they taken us from off home, and put us in camps.
Q How long was that after the war? A. The war was going on, the war was going on, we were leaving home then.
Q Who took Walker Johnson off; was there anybody took him off?
A No one taken him off at all; we were all taken and went out in camps, the ones that was grown, they was hired out, I don't know who they was hired out, but the old man kept the women and children along with him.
Q Was Walker Johnson ever sold to a man by the name of Sparks?
A Never sold him .
Q If he had been sold would you have been likely to know it?
A I would hear something of it; I was old enough along at that time to know if a man was sold off of the place.
Q Well if Ben Greenleaf stated that he was sold he was mistaken in his statement? A. Suppose he was
Q Have you known Walker Johnson since the war? A. Yes sir
Q When was the first time you saw him after the war? A. Well, I don't just remember the time; it was not a great while when I saw him after the war.
Q Well all during the war, and after that time, after you all went south or went off? A. It was a good while afterwards; I say, I don't just remember just how long it was after; it was after peace was declared after I saw him.
Q Have you seen him often ever since? A. Yes, sir
Q Where has he been when you seen him? A. Saw him at Fort Gibson and Vinita
Q Within the limits of the Cherokee Nation? A. Yes sir
Q Still living here in the Cherokee Nation is he? A. Yes sir

MR. HASTINGS: You never saw him in Kansas because you weren't up there? A. I never went to Kansas.
Q And you couldn't have seen him up there? A. Couldn't testify that because I have never went there.
Q You have been in the Cherokee Nation all the time? A. Yes sir
Q The only time you seen him he would have been bound to be in the Cherokee Nation because you wasn't anywhere else? A. Yes sir
Q How old are you? A. Didn't you ~~just~~ hear me just say that I was 51?
Q You was about 10 years old, 9 or 10, when the war came up? Now did this man ever live over with Sparks, a white man? A. I didn't know Sparks.
Q Well I am asking you if he lived there? A. Why I don't know; I didn't know any person, any Sparks, at that time .
Q He would know more about where he lived than you? A. Well at that time he would.
Q Well if he says he lived over there why he would know more about it than you? A. Well I say at that time; I didn't know a white person in Fort Smith.
Q Now before the war you say you saw this man? A. Before the war? The war was going on.
Q Well how long? A. He has been there on the place always from my recollection on up; when I come to my senses he was on the place.
Q Well now did he go south with you? A. He started south with me and he ran away.
Q Started south with you? A. Well we started south when we were in camps .
Q Well was old man Sparks along with you? A. Nobody of that name with us.
Q Well now how do you know? A. Couldn't.
Q Who started south with you and George Johnson and Thurman?
A. Well Ben Johnson.
Q Well Ben Johnson? A. Well when we went out to the camps he was with us then, but where they went to from there, the men folks, I don't know.
Q Well they didn't go on south with you? A. No, not with us colored men at all.
Q Well now where did you go in camp? A. On Poteau.
Q Then you went from Ben Johnson's place on this side of the river down to Poteau? A. Yes,sir.
Q And this man Walker Johnson was with you at that time?
A Yes, sir.

MR. BLEDSOE: He had never been away from you over to Spark's?
A I don't know anything about him at all; I couldn't tell you anything about where the men folks went because we left.

Q The last when you recollect you were camped right there about the beginning of the war? A. Yes sir, last I can give an account of him .
Q And you never saw him again until after the war a good while?
A Just two years or so long; that old man Mose said he ran off, old man Mose, that was my uncle.
Q You just heard the others say that? A. Heard the white ones that we belonged to talking about it
Q Well you don't know of his being sold or hired to Sparks?
A No sir, I don't know Sparks, and don't till yet.

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Walker Johnson
C.F.D. 356--5

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) ARTHUR G. CRONINGER

Subscribed and sworn to before me this 5th day of June, 1902

(Signed) P. G. REUTER
Notary Public

(S E A L)

Lucy M. Bowman being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and complete copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 21st day of February, 1906

B. P. Rasmus
Notary Public.

Copy.

Cherokee Freedmen [illegible].

DEPARTMENT OF THE INTERIOR,

Land. Office of Indian Affairs.

30624-1901. Washington, June 12, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

The office is in receipt of Department letter of June 7, 1901, transmitting for consideration, report, and recommendation a letter from Walker Johnson, of Leavenworth, Indian Territory, requesting that a certificate showing his election "as Grand Councilor" in the Cherokee Nation, which he states he forwarded to the Department some years ago be returned to him so that he may present the same to the Commission in connection with his application for citizenship in the Cherokee Nation.

In reply, I have to advise you that on September 22, 1893, this office received a letter from said Walker Johnson complaining that in the taking of the census just prior to the date of his letter the authorities of the Cherokee Nation refused to enroll him as a citizen and with said communication he transmitted a commission signed by J. B. Mayes, Principal Chief of the Cherokee Nation, which said commission was dated November 27, 1891, and appointed him Grand Councilor of the Saline District of said Nation for the term of two years from November 16, 1891. This commission was returned to Mr. Johnson with office letter of October 2, 1895, and it is respectfully recommended that he be so advised.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

S.A.W. (J.P.)

I, Ray Palmer, a stenographer of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original.

Ray Palmer

Cherokee Freedmen D 356.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Walker Johnson for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on May 20, 1901, Walker Johnson appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 22, 1901, and at Muskogee, Indian Territory, on May 9, 1902, and May 21, 1902.

The evidence shows that the said Walker Johnson was about fifty-seven years of age at the date of the application herein.

It does not appear that the applicant was the slave of a Cherokee citizen, or that he was a free colored person residing in the Cherokee Nation at the commencement of the rebellion. But the evidence shows that he went out of said Nation during the rebellion, and it does not appear that he returned thereto prior to January 19, 1867. The name of the applicant is not found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Walker Johnson as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge,
Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Sharpe when he returned to the Cherokee Nation first in 1870.

We submit that this testimony is convincing that the applicant is not entitled to be enrolled as a Cherokee freedman. The Commission knows as well as it does the disreputable character of the witnesses for the applicant. Moreover also the general reputation of the Cherokee Country, understanding the location of the Nowa place, its distance from the nearest Cherokee and otherwise specifically, being acquainted with the fact that Sharpe was not established until 1872, could not, in our judgment, have arrived at any other conclusion as respectfully we submit that the decision of the Commissioner should be reversed and that this applicant should not be enrolled as a Cherokee freedman citizen of the Cherokee Nation.

Respectfully,

Attorney for the Cherokee Nation.

FILED
MAY 28 1908
COMMISSIONER OF INDIAN AFFAIRS

4035

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. May 16th 1904.

In the matter of the application of ~~[illegible]~~ Walker Johnson for enrollment as a Cherokee Freedman.

Cherokee F. D. 356.

Brief of the Cherokee Nation.

All of the questions involved in this case are questions of fact and the Cherokee Nation contends that the Commission to the Five Civilized Tribes being upon the ground are in a betterposition to judge of the reputations of the witnesses than the Honorable Secretary of the Interior and their conclusions of fact should not be disturbed unless there are urgent reasons therefor.

On April 11th 1904 the Honorable Secretary of the Interior transmitted with approval a letter from the Honorable Commissioner of Indian Affairs (I. T. D. 1472-1904) dated February 18, 1904 (Land 47517-1903) which disagrees with the findings of the Commission and directs the Commission to enroll the applicant.

The Commission finds that the applicant in the first place was not the slave of a Cherokee citizen at the commencement of the rebellion and did not return within the time prescribed by the treaty and that therefore the applicant was not entitled upon either ground to enrollment as a freedman citizen of the Cherokee Nation.

Let us examine the testimony upon these two points. As a matter of course the applicant testifies that he was a slave of a citizen of the Cherokee Nation at the commencement of the rebellion, viz: George Johnson and that he returnedin the fall of 1866 to the Rowe place in the Cherokee Nation. There is nothing strange about this testimony; every single freedman applicant swears to these two facts and so does Walker Johnson.. The Commission here expects it and would be very much surprised if any applicant swore to the contrary.

Upon the other hand Jim Alberty one of the most disreputable freedmen in the Cherokee Nation, a standing witness, one about whom we have taken occasion to say quite a good deal in our general brief; so disreputable that the Commission is thoroughly acquainted with him and can not

afford to giveany heed to his testimony. We had occasion to cite in our general brief on page 89, of examples of a great number of cases wherein this disreputable witness was impeached and clearly contradicted by many of the most repytable people in the Cherokee Nation and among them, Ex-Chief S. H. Mayes; D. W. Vann; R. L. Martin George W. Clark, and reference was also made to this particular case wherein we called attention to the fact that this witness testified to seeing this applicant Walker Johnson running a boat at the Brady Ferry across the Arkansas river in 1866 as he, James Alberty, was on his way to Muskogee to buy some tobacco when it is a well known historical fact that the town of Muskogee was not started until some time in the year 1872. The Commission uses these histor ical facts and takes them into consideration and also takes into consideration the general reputation of this disreputable witness; and where the Cherokee Nation knows that the Commission is so well acquainted with his reputation for truth and veracity it did not think it necessary to hunt up evidence at great expense and introduce witnesses to attack their reputation and we therefore thought that inasmuch as there had been so many disreputable witnesses to testify before the Commission that the opinion of the Commission on questions of fact alone, they being upon the ground and acquainted with a great many other facts and circumstances which corroborrate withesses for the one side or the other should not be disturbed

Again to show how thoroughly disreputable this witness Alberty is he swears that the applicant belonged to a man by the name of Vann and never testifies to his belonging to George Johnson; again Walker Johnson swears that he came to the old Rowe placewhich the Commission and the Attorneys for the Cherokee Nation know, was in Saline District some fifty miles distant from this Brady ferry and there being no town at Muskogee at the time it is clearly unreasonable to suppose that Walker Johnson was running around that far distant from home with no objectivepoint to go to when following the course indicated by Alberty would lead him into the Creek country among people with whom he was unacquainted.

Theonly other witness who testified for Walker Johnson was one James Johnson, a colored man, and he contradicts Walker Johnson himself by saying that Walker Johnson never lived with James Sparks. Now Walker Johnson himself admits that he lived with James Sparks and all of the witnesses introduced by the Cherokee Nation are corroborrated in their

testimony that he belonged to Sparks, a white man who was a resident of the State of Arkansas when the war came up, by the fact that this applicant went by the name of Sparks (Walker Sparks) in Kansas and often now goes by that name throughout the country.

This last witness knows nothing of the applicants return to the Cherokee Nation and in fact no one except the applicant himself and Jim Alberty who saw the applicant crossing the Brady ferry on his way to Muskogee, saw him here in 1866.

Now lets see what the testimony is on part of the Cherokee Nation: Walker Johnson swears that he came to the Rowe place, which is a celebrated place in Saline District; and a son of old man Rowe, M. B. Rowe, was introduced as a witness and he testifies that Walker Johnson, the applicant, came there in about 1870; that he came from Kansas and that he was known as Walker Sparks. Murrell Johnson swears that he came to the Dave Rowe place in 1866 and made two crops there and the third crop on the place near by, then went to Ottawa Kansas where for the first time in his life he saw the applicant who went by the name of Walker Sparks and who returned to the Territory with the witness.

We submit that if three crops were made they must have been made in the years 1867, 1868 and 1869 and that therefore M. B. Rowe was correct when he said that the applicant came there in about 1870.

Now it will be noted that this is the point to which the applicant himself claimed he returned. And we have introduced two witnesses who lived upon and about this Rowe place from 1866 on up and both M. B. Rowe and Murrell Johnson swear positively that it was about 1870 when Murrell Johnson brought the applicant from Ottawa Kansas to the Territory, and to this place. Now it will be noted that no other witness except Jim Alberty testifies to the return of this applicant. Again Ben Vann testifies that this applicant, and he identifies him byhis marriages sufficient to show that the person about whom he speaks is one and the same person, that the applicant belonged to Joe Sparks who lived across the line and was a citizen of the State of Arkansas at the commencement of the rebellion and was not a slave of a citizen of the Cherokee Nation. Ben Vann is corroborrated by Walker Johnson himself when he testifies that he lived with Sparks; he is corroborrated by Murrell Johnson when he says that the applicant was known as Walker Sparks in Kansas and he is corroborrated by M. B. Rowe when he says the applicant went by the name of Walker

Sparks when he returned to the Cherokee Nation first in 1870.

We submit that this testimony is convincing that the applicant is not entitled to be enrolled as a Cherokee Freedman. The Commission knowing as well as it doesthe disreputable character of the witnesses for the applicant, knowing also the general topography of the Cherokee Country, understanding the location of the Rowe place, its distance from the Brady Ferry where Muskogee was afterwards established, being acquainted with the fact that muskogee was not established until 1872, could not, in our judgment, have arrived at any other conclusion and we respectfully submit that the decision of the Commission should be sustained and that this applicant should not be enrolled as a Cherokee Freedman citizen of the Cherokee Nation.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

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COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-356.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory. September 22, 1904.

Supplemental proceedings had in the matter of the application for the enrollment of Walker Johnson as a Cherokee Freedman.

It appears that on August 25, 1904 the applicant, his attorney, and the attorneys for the Cherokee Nation were notified, by letter, that an opportunity would be given each of them to appear before the Commission, at Muskogee, Indian Territory, on September 22, 1904, and then and there introduce further testimony in this case touching upon the points mentioned in said letter.

:A P P E A R A N C E S:

Applicant appeared in person, and by his agent,

I. P. Bledsoe.

Cherokee Nation appeared by

W. W. Hastings.

Walker Johnson, being first duly sworn, testified as follows:

Commission:

Q. What is your name? A. Walker Johnson.

Q. How old are you, Mr. Johnson? A. I do not know exactly. Something over 50 years old, I guess.

Q. What is your post office address? A. Locust Grove, Saline District.

Q. Were you a slave at the commencement of the Rebellion? A. Yes sir.

Q. To whom did you belong? A. George Johnson, as I have been telling you all the time. Son of Ben Johnson.

Q. Was George Johnson a Cherokee Indian by blood? A. Yes sir, his mother was a fullblood Indian.

Q. Was his father a Cherokee Indian? A. He was a white man, as well as I can tell you about him.

Q. Did you belong to old Ben Johnson at the commencement of the war, or to his son. A. I was living with the old man right at the commencement of the war. I went down and lived with his son.

Q. To whom did you belong? A. Really, the old man was the principal owner, and he sent us to his son.

Q. Where did old Ben Johnson live at the Commencement of the Rebellion? A. Right down near Fort Smith, on this side of the river.
Q. In the Cherokee Nation? A. Yes sir.
Q. Was he living there when the war broke out? A. Yes sir.
Q. And you were living there with him? A. Yes sir. Give me a show and I will give it to you straight.
Q. You were with him and were a slave of Ben Johnson? A. Yes sir. Up into '62 I was with him.
Q. Did you go out of the Cherokee Nation during the Rebellion? A. No sir, no more than just shift across for safety.
Q. Were you over in Arkansas then some? A. Yes sir.
Q. When did you come back to the Cherokee Nation from Arkansas? A. We were just over there maybe a week when the times were pretty tight, and would come home.
Q. Where have you lived since the war? A. I lived up in Saline District where I made my home when I would be there. I went off.
Q. Always lived in the Cherokee Nation? A. Yes sir.

MR. BLEDSOE.
Q. How come you to have the name of Walker Sparks? A. It is a nick-name.
Q. Did you belong to Sparks at any time? A. No sir.
Q. Were you ever sold? A. No sir.
Q. Then you were living with George Johnson as your young master when the war broke out? A. No sir.
Q. Were you with Sparks during the war? A. I wasn't with him particularly. I was in the company for safety.
Q. What were you doing in the army? A. I was a waiter.
Q. Was your young master there too? A. He was there part of the time.
Q. How come you to go across the river? A. My young master carried me over there for safety, to keep me from running away.
Q. Wasn't your young master on the scout? A. Part of them were.
Q. What had he done? A. He had killed some men, and I always followed him in the woods, carrying him something to eat.
Q. Who owned your mother when the war broke out? A. Ben Johnson..
Q. Who owned her when you went over there? A. She belonged to this man Sparks.
Q. That is how come you to get the name of Sparks. You were over where your mother was when this man killed some men and they were on the scout? A. Yes sir.
Q. You never was sold to this man Sparks? A. No sir.
Q. How long did you remain in Arkansas with them. A. I was over there, I reckon, a little over two weeks or more with them before we came back home.
Q. When did you dig the grave for George's wife---how long after that? A. About a week, or two weeks.
Q. Then how long did you remain in Sepucyah District after you buried her? A. I run away in '63.
Q. Who did you run away from? A. George Johnson.
Q. Where did you go to? A. Fort Gibson.
Q. How long did you stay at Fort Gibson? A. We come there the 6th. of July, to my best recollection.
Q. In what year? A. In '63.
Q. Where did you go then? A. I stayed around Gibson till I went back home. Cutting hay there for the government.
Q. Who did you work for? A. A colored man by the name of

French.

Q. Where were you in 1865? A. I was in and out, traveling around. Just to tell you exactly, I can not bring to my mind.

Q. Where were you in 1866? A. I was right here in Gibson.

Q. Who did you see there in 1866 that is living now? A. I worked with a man when I come there. They called him Brown Wright.

Q. Who else did you see besides Brown Wright there at that time? A. I can't tell you who all I did see.

Q. That is living now? A. Percival was there, for one. Bill Ross, at that time. He is dead.

Q. Was Florine Nash there? A. Yes sir.

Q. Was Stick Ross there? A. Yes sir.

Q. Did you see John Price there? A. I saw John Price.

Q. What was Brown Wright doing when you come there? A. He was our paymaster, paying out some soldiers.

Q. Where was he doing business? A. In an old log house going up toward the Fort. He said it belonged to Bill Ross.

Q. Was there a brick house afterwards built there by Brown Wright? A. Yes sir, and Nash.

Q. What Nash? A. Florine.

Q. When was that house built? A. In 1866, to my best knowledge.

Q. Was it built when he was in that log house? A. Yes sir, to my best knowledge.

Q. Who was in business at Fort Gibson at that time, do you know? A. Brown Wright and Nash were doing business, and a colored man clerked with them.

Q. What was his given name, do you know? A. I can not think of it.

Q. William Hudson, was that it? A. Yes sir, I think it was.

Q. Then did you work for Brown Wright there any at Fort Gibson? A. I worked around for him a while.

Q. Then where did you go? A. To Tahlequah.

Q. Who with? A. Brown Wright.

Q. Who else? A. He was the only one.

Q. Where did you go to from there? A. Stationed there and built a store there for Reece.

Q. Where did you go to from there. A. Was backwards and forwards, and he would bring beef there.

Q. Did you ever go to Kansas? A. Yes sir.

Q. Where did you go there from? A. When I got out of work with them I would go out and hunt work.

Q. Kind of a horse jockey? A. Yes sir.

Q. You never made your home in Kansas? A. No sir, I never did

Q. Then if Ben Greenleaf or Ben Vann or anybody else stated that you was sold to Sparks, they are mistaken? A. Yes sir. I run away in '63.

Q. Did you know Rose Rogers before the war or during the war? A A. Before the war.

Q. Who did she belong to? A. Cornelius Wright.

Q. How far from you did they live? A. A part of the time, I couldn't tell you just how close, but I moved to Sequoyah District, and she lived in there close to my young master.

Q. How far did she live from you before the war? A. I moved away 40 miles.

Q. When the war broke out how far was she from you? A. 40 miles.

Q. You were well acquainted with her, were you? A. Yes sir, from that time on.

MR. HASTINGS:

Q. When did you first see this witness that you have out here, Ross McCracken, after the war, and where? A. The first

saw me knocking around Gibson.
Q. When did you first see her? A. In '66. I don't know just what time.
Q. You and she have not talked that over at all. A. No sir.
Q. How come you to bring her here if you have not talked with her? A. She did her talking to some one else. I told them what she knew about me.
Q. Where does she live now? A. Out about 8 miles this side of me.
Q. What other person did she do her talking with? A. Me and her talked about it.
Q. When did you see her first after the war? A. I saw her over here at Gibson?
Q. Where was she living? A. On Fourteen Mile Creek.
Q. How far from Gibson? A. Seven miles, to my best knowledge.
Q. What time in the year did you first see her there? A. I can not tell you just exactly.
Q. Early part of the winter? A. Along in the spring.
Q. Had you at that time ever been to Kansas? A. Not right at that time.
Q. You had not been to Kansas up to that time? A. No sir.

Q. Did you ever go to Kansas after that? A. Yes sir.
Q. How long after that time did you go to Kansas? A. A couple of weeks.
Q. Where did you go? A. Up in Kansas there.
Q. Where did you go? A. I went up to a little place --- I have got to think of the place.
Q. Ottawa? A. Not that time. The next time.I went I went to Ottawa.
Q. Why didn't you make this statement when you were on the stand before? A. You didn't ask me.
Q. Did your attorney ask you? A. He asked me if I went to Kansas, and I told him.
Q. Why didn't you tell the Commission bevore that you left here during the war? A. I told them I left here during the war every time I have been before them.
Q. Didn't you tell them you had been to Kansas during the war? A. I told them I went there during the war time.
Q. Didn't you say that you never had been there until after you saw this woman in 1866? A. No sir, I didn't tell them that
Q. Had you been there before then? A. One trip.
Q. Then you were mistaken? You had been there? A. No sir, I told you a while ago I went.
Q. When did you first ever set foot in Kansas, on Kansas soil? A. I told you a while ago about two weeks after I was this lady I went to Kansas.
Q. Then you had been there before the spring of 1866? A. That was in time of the war.
Q. Had you been there before then? A. A. No, I hadn't been there then.
Q. You had not been there? A. No, not right then.
Q. Had you been there any time before then? A. Yes sir, I had been there.
Q. When did you first go to Kansas? A. I went during the war to Kansas.
Q. What year? A. You are too tough for me.
Q. Who did you go up there with? A. A man had me to drive his team.
Q. What was his name? A. I can not remember his name.
Q. What place did you go to in Kansas? A. A little place called Ottumway.
Q. That is where you met Murrell Johnson? A. No sir.
Q. Didn't you see Murrell Johnson up there in Kansas? A. Yes sir.

Q. At Ottawa? A. I saw him at Ottawa.
Q. Did you see him there in 1866? A. No sir.
Q. You went by the name of Walker Sparks up there, didn't you? A. They called me that. It was a nick name.
Q. But you never had the name of Walker Sparks until after Ben and George Johnson sold you to a white man in Arkansas, did you? A. I told you before I wasn't sold. I run away in '63.
Q. When did Johnson sell you to Sparks,---before the war? A. A. He didn't sell me before the war.
Q. When did he sell you? A. I don't know as he ever did.
Q. You knew Jim Sparks, didn't you. A. I have seen him in the army.
Q. You saw him before the war, didn't you? A. I saw him in Fort Smith.
Q. Were you ever at his place before the war? A. I was over there to the store.
Q. Were you ever at his house? A. Not before the war.
Q. Were you ever hired to him? A. Not time of the war.
Q. Were you ever hired to him before the war? A. No sir.
Q. You run off and left him before the war? A. Not Jim Sparks
Q. Which one of the Saprks' did you leave? A. I left Johnson.
Q. Which one of the Sparks' did you leave? A. None of them.
Q. They were white men and lived in Fort Smith, Arkansas? A. Yes sir .
Q. And you never worked for them before the war? A. No sir.
Q. And never went to their places? A. Not before the war.
Q. Why did you use Sheep Jim Alberty on the stand as your witness? A. He saw me right at the mouth of the Verdigris.
Q. He had been over here to Muskogee, in 1866? A: I don't know where he had been.
Q. He testified that he had been over here to get some tobacco, didn't he? A. I don't know.
Q. Were you not present when Sheep Jim Alberty testified for you before? A. He went out doors, and I was out doors when he was telling

Q. Is that a fact, was he on his way to Muskogee when he met you crossing on the ferry in 1866? A. I don't know where the man was going.
Q. You know that he is a confirmed liar, don't you? A. I don't know.
Q. He is so recognized, is he not? A. I don't know that.
Q. You have known it all the time. That is the reason you got him as a witness, is it not? A. No sir.
Q. Why is it you have never got this woman to testify for you? You never got her in 1866, did you? A. I didn't need her when we had the Clifton Court.
Q. You never got her, did you? A. No sir.
Q. If Mr. Florine Nash saw you at Fort Gibson why didn't you introduce him? A. I never was asked to.
Q. You never did ask him to testify for you, did you? A. No sir.
Q. Were you all at that witness' house in 1866? A. No sir.
Q. Where were you living when she saw you? A. At Gibson.
Q. That was in the spring of 1866? A. Yes sir.
Q. Did you ever see her after that? A. Yes sir.
Q. When did you see her again? A. I don't remember.
Q. Was it ten years after that? A. No sir.
Q. How long? A. A couple of months.
Q. Where did you see her again? A. I was passing out toward Saline District, and she lived on the road.
Q. Where were you going in Saline? A. Up near Mr. Rowe's.

Q. N. B. Rowe was the son of Dave Rowe? A. Yes sir.
Q. He testified you were in there in 1866, didn't he? A. I don't know.
Q. Didn't he testify that the first time he saw you was in 1870? A. I don't know. I wasn't about when they took his testimony.
Q. Your attorney, Mr. Bledsoe, was present, wasn't he? A. Yes sir.
Q. Didn't you testify before that you come back from Kansas in 1866, in Saline District? A. Yes sir, I didn't give any certain time. I come in that year.
Q. What time in the year did you come back? A. I can't tell you the date.
Q. You don't know whether it was winter, spring, summer, or fall? A. Just what time, I can not do that.
Q. But you had been to Kansas? A. Yes sir.
Q. Where did you come to when you moved here permanently? A. I come down over on the Rowe Prairie.
Q. How far from the N. B. Rowe place? A. About a mile, I guess.
Q. That is where you first come from Kansas and settled in this country? A. Yes sir, that is where we come.
Q. You made your house there? A. I never built one until later.
Q. What did you do then when you came? A. Worked around.
Q. Who for? N.B. Rowe? A. No sir.
Q. Who did you work for? A. Old man Rope.
Q. N. B. Roes's father-in-law? A. Yes sir.
Q. And you lived in that neighborhood? A. Yes sir.
Q. Did you ever see this witness out there? A. No sir.
Q. When did you first see her after you come back from Kansas that time, in the fall of 1866? A. I can't tell you just what time, because I don't know. We didn't have to look after these dates.
Q. Where were you living when you first saw her in the fall of 1866? A. I wasn't living particularly no certain place, but I stopped there as I was up in there.
Q. On the Rowe place? A. Yes sir, I had no certain home.
Q. Just around? A. Yes sir.
Q. Tell us somebody you worked for? A. Rope, and his son.
Q. N. B. Rowe? A. No sir.
Q. Did you work for Col. Rowe? A. No sir.
Q. Did you work for Judge Rowe? A. I cut a few locust posts for him.
Q. When? A. I can't tell you the date.
Q. Who did you come back from Kansas with that time? A. Me and Murrell.
Q. You and Murrell Johnson? A. Yes sir.
Q. That was the time you and he came together? A. Yes sir. We had been up there at work.
Q. You never did see Murrell Johnson up at Ottawa, did you? A. We went up there together and come back together.
Q. He testified that he found you up there. Is that correct? A. He told you that, but we went up there to work together.
Q. Is it true that he found you up there? A. I was there. Me and him were there.
Q. When did you go ---in the spring of 1866? A. No sir.
Q. Where did you go from? A. We went from up there on the Rowe prairie .
Q. Then had you been on the Rowe Prairie before? A. No sir.
Q. You had not been there before? A. No, not till he come there and we went to work.

Mr. Bledsoe:

Q. When did you marry your first wife? A. I never married her
Q. When did you take up with her?

Q. What was her name? A. Mandy.
Q. Mandy who? A. Rowe.
Q. She is on the roll as Mandy Vann? A. Yes sir.
Q. Have you got a son by her? A. Yes sir.
Q. What is his name? A. George Johnson.
Q. When did you marry your last wife--how long ago? A. A. It will soon be over 20 years.
Q. Is she a full blood Cherokee? A. Said to be.
Q. Did you have any house prior to marrying this last woman? A. No sir.
Q. Then 23 or 24 years ago is the first time you ever had a set place, when you marriedthis Cherokee woman? A. Yes sir, that is right.

WITNESS EXCUSED.

Rose Rogers, being first duly sworn, testified as follows:

Commission:
Q. What is your name? A. Rose Rogers.
Q. What is your post office address. A. Locust Grove.
Q. How old are you? A. 62 years of age.
Q. Were you a slave at the beginning of the war? A. I was.
Q. To whom did you belong? A. Cornelius Wright.
Q. Where did you live? A. In Going Snake District, 25 miles above Tahlequah.
Q. Do you know one, Walker Johnson? A. I do.
Q. Do you know where he was living at the commencement of the war? A. He was living about 5 miles from Cornelius Wright's, between there and Evansville.
Q. To whom did he belong at the commencement of the Rebellion? A. Johnsons.
Q. What Johnson? A. Ned Johnson, it was said.
Q. He was staying with Ned Johnson? A Yes sir.
Q. He was the property of old Ben Johnson? A. My master said so. O I was only a child.
Q. Did you understand that he was owned by Ben Johnson at the commencement of the war? A. Yes sir, he was owned by them Johnsons. They would never sell a colored person.
Q. And he was living with the son? A. Yes sir.
Q. Ben Johnson was not a Cherokee Indian? A. I suppose he was.
Q. Do you know when he was sold, during the war? A. Walker Johnson?
Q. Yes? A. He never was sold, to my knowing.
Q. Do you know where he went during the war? A. He run off in '63, so my master said.
Q. You do not know of your own personal knowledge? A. No sir.
Q. Had you seen Walker Johnson before the war? A. Yes sir.
Q. Did you see him during the war? A. I never saw him during the war. I was south.
Q. When did you come back? A. I come to Webbers Falls in '65 and come to Gibson in '66.
Q. When did you see Walker Johnson after the war? A. Right here at Fort Gibson, at Florine Nash's store. And he was working for Brown Wright, the first man I got acquainted with in Fort Gibson.
Q. Was that before he had gone to Kansas? A. I couldn't tell you where he travelled around after that.

Q. You do not know when he left the Cherokee Nation, then? A. I do not know that he ever left it.
Q. Has he always lived in the Cherokee Nation? A. Yes sir, e ever since I knew him unless he went off during the war.

Mr. Bledsoe:
Q. Did you know Ben Johnson's wife? A. No sir.
Q. You don't know whether she was a Cherokee woman or not? A. No sir.
Q. If Walker Johnson had been sold out of the Nation were you living close enough to have known it? A. Yes sir, I would have.
Q. Has Walker Johnson always been considered by you and your people as a Cherokee citizen? A. Yes sir.

Mr. Hastings:
Q. How far do you live from Walker now? A. About ten miles.
Q. Who come to see you about testifying in this case? A. No one until Mr. Bledsoe come, here.
Q. When did he come to see you? A. Yesterday.
Q. And you knew of this before, did you? A. About his case?
Q. Yes? A. I saw him and he told me about seeing Walker.
Q. And you and Walker had talked about it? A. No sir.
Q. How old were you when the war come up? A. I was going on 18 years of age.
Q. When the war come up? A. Yes sir.
Q. Where did you live when the war come up? A. I lived with Jim Alberty, right above the Stout ford as you go from Fourteen Mile Creek to Wagoner.
Q. Is that where you lived when the war come up? A. Yes sir.
Q. That is near Wagoner, Indian Territory? A. Yes sir.
Q. You were living there with him when the war come up? A. Yes sir.
Q. Are you Sheep Jim Alberty's wife? A. No Sir.
Q. What kin are you to him? A. None.
Q. You knew him didn't you? A. Me and him were living with two brothers when the war come up.
Q. You know about John Alberty selling him out down below Little Rock? A. No sir.
Q. You deny that? A. I wasn't acquainted with him selling him out.
Q. You propose to be truthful, and deny that? A. Yes sir, I tell the truth so far as I know it.
Q. Where did Walker Johnson live when the war come up? A. 5 miles from Cornelius Wright's.
Q. Near the line of Evansville? A. Yes sir.
Q. And you lived here near Wagoner? A. Down on the river.
Q. Near where Wagoner now is? A. Yes sir.
Q. Where did you live when the war come up? A. On Grand River.
Q. Where was Walker Johnson living? A. In GoingSnake District.
Q. Near the Arkansas line? A. I did not know where Arkansas was.
Q. You were living on Grand River? A. Yes sir.
Q. How far was it from Grand River to where Walker lived? A. I do not know, Mr. Hastings.
Q. Wasn't it 40 or 50 miles? A. I suppose it was.
Q. But you went south during the war? A. Yes sir.
Q. And Cornelius Wright's folks took you there? A. Yes sir.
Q. Did you ever hear this applicant called Walker Sparks? A. No sir.
Q. Never in your life? A. Not till since the war.
Q. How did he get the name? A. I don't know. Johnson is what he always went by.

Q.. You have not seen him only since the war, have you? A. No sir, I saw him before.
Q. How old was he when the war came up? A. I do not know his age. He was nearly a young man.
Q. When was the last time you saw him before the war --- how long before the war? A. I couldn't tell you the last time.
Q. Don't you know that George Johnson moved to Sequoyah District years before the war broke out? A. No sir, I do not know it.
Q. Do you deny it? A. No sir, I don't deny it, but I don't know.
Q. If he was living up there he could not have been living down there? A. He was living in 5 miles of Cornelius Wright's.
Q. Was he living in 5 miles of Cornelius Wright's when the war broke out? A. A. Yes sir, that is straight.
Q. You had not been there in two years, had you? A. I was there a month before the war broke out.
Q. What year did the war break out? A. I don't know.
Q. What year did the war quit? A. I suppose it quit in '65, because my oldest son was born at that time.
Q. Where did you see Walker Johnson first after the war? A. At Fort Gibson.
Q. And after he had been to Kansas? A. I don't know.
Q. You never heard of his going to Kansas? A. No sir.
Q. Where do you live --- in Saline, now? A. On the edge of Martin's Prairie.
Q. How long have you been living there? A. Ten years.
Q. Where did you move from there? A. Fourteen Mile Creek.
Q. How far from Fort Gibson? A. Near 12 miles.
Q. When did you move there --- what year? A. I was right in Fort Gibson in 1866.
Q. What year did you move to this place from Fort Gibson? A. 3 years after the war.
Q. Where had you lived before that time? A. 3 miles right above Gibson, on the river.
Q. Where were you living in 1866? A. In Gibson. We had not located no house in the country then.
Q. Did you stay there all the year of 1866? A. Yes sir.
Q. Who did you live with? A. My husband.
Q. What was his name? A. George Rogers.
Q Did you see Walker Johnson around there in 1866? A. Yes sir, all the time.
Q. All the year? A. All the time he was there.
Q. The whole of the year? A. I left there then.
Q. What time did you leave there? A. In the fall.
Q. And you never noticed him there during the war? A. No sir.
Q. Where did Walker go to from there? A. I couldn't tell you.
Q. Don't you know, as good as you know anything, that that man went to Kansas and stayed there and never come to this country until 1870? A. I met him here at Gibson.
Q. You met all of them did you? A. Yes sir.
Q. You never heard of him going to Kansas at all did you? A. No sir.
Q. Never heard of his going after the war, did you? A. No sir
Q. You never heard him say it did you? A. No sir.
Q. You never heard it till today, did you? A. No sir.
Q. And you were living in Fort Gibson in 1866? A. Yes sir.
Q. He was at your house frequently? A. We were in camp.
Q. He was in your camp? A. No sir, he was working for Brown Wright.
Q. He was there in your camp? A. Not in mine. He was working for Brown Wright.
Q. You and he fixed it up that he was working for Brown Wright before you came, didn't you? A. No sir.

Q. Did this man live in a house there? A. He must have been.
Q. Did he have a wife? A. No sir.
Q. Who did he stay with? A. With Brown Wright when he was working.
Q. Did Florine Nash stay at Brown Wright's? A. Stayed out in the prairie ---clerking in the store.
Q. Was Florine Nash working for Brown Wright at that time? A. I couldn't tell you who Florine Nash was working for.
Q. Brown Wright? A. That is where I got acquainted with him. I traded at Mr. Nash's store.
Q. At Brown Wright's? A. They were there together, him and Brown Wright.
Q. Florine Nash and Brown Wright? A. Yes sir.
Q. And Walker Johnson was working there? A. Yes sir.
Q. How do you know which he was working for if they were there together? A. He left him and went to Tahlequah.
Q. Florine Nash and Brown Wright had a store there together? A. A. I called it Mr. Nash's.
Q. Brown Wright was working for Nash, then? A. Yes sir, he was there clerking in the store.
Q. When Walker Johnson was working around the store? A. Yes sir.
Q. That is where you saw Walker Johnson? A. Yes sir.
Q. How long did you see him working around Florine Nash's store? A. All the time I was there.
Q. From the spring until the fall of 1866? A. Yes sir.
Q. Are you certain about that? A. Yes sir.

Mr. Bledsoe:
Q. You do not know that Walker Johnson was there all the time? A. Just in and out.
Q. Was that all the time? A. He was just in and out.
Q. He has no settled home, did he? A. No sir.
Q. Just a single man? A. Yes sir, just working around where he could get a day's work to do.
Q. You are on the 1880 roll, are you? A. Yes sir.

WITNESS EXCUSED.

W. W. Wheeler, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

Mr. Hastings:
Q. Your name is W. W. Wheeler? A. Yes sir.
Q. You are a Cherokee Indian by blood? A. Yes sir.
Q. What is your post office address? A. Sallisaw.
Q. Where did you live prior to the war? A. I was born and raised in Fort Smith, Arkansas.
Q. Did you know Ben Johnson before the war? A. Yes sir, and his sons, George, Anderson, and Ben.
Q. Where did they live when the war come up? A. Almost opposite and a little above Fort Smith.
Q. Across the river on the Cherokee side? A. Yes sir.
Q. How long had they lived there when the war come up? A. For years.

Q. It is not true, is it, that they ever lived up in Going Snake near Cornelius Wright's? A. I never heard of it. The only one was Anderson. Anderson lived up in the Going Snake District, I think it was after the war.
Q. Did he live there before the war? A. No sir. They all lived on the old plantation.
Q. Right across the river from Fort Smith? A. Yes sir.
Q. About how far would that be from Barren, which was in the neighborhood described by the last witness? A. On a direct line, I suppose over 80 miles.
Q. About how far was it was it to a point on the Grand River east of where Wagoner now is? A. Close to the same distance.
Q. Was Ben Johnson a Cherokee by blood? A. I think so.
Q. His son, George, was? A. Yes sir, they were all Cherokees.
Q. Did you say you lived in Fort Smith just across the line in Arkansas? A. Yes sir.
Q. Did you know Joe Sparks and George and Jim, who lived over there? A. Yes sir. Mitchel and James and Thomas were the old ones.
Q. Were these Sparks' citizens of Arkansas? A. Yes sir, white people.
Q. They didn't claim Cherokee citizenship? A. No sir, Mitchel Sparks was a merchant there, and an Indian trader --traded with the Indians.
Q. Did you hear of the Johnson's disposing of a slave to the Sparks family before the war? A. They sold several darkies there in Fort Smith.
Q. The Johnson family? A. Yes sir.
Q. Did you hear of them selling the Sparks family a slave by the name of Walker? A. Yes sir, Mitchel Sparks had a man there named Walker that worked about the store, and sometimes on the ferry.
Q. Do you know where he got that negro slave? A. Walker--he was always said to have been gotten from old Ben Johnson.
Q. Do you know what became of this slave, Walker? A. Yes sir, he run away I think in 1861 or the early part of 1862.
Q. You were living there at the time? A. Yes sir.
Q. You heard of his running away? A. Yes sir.
Q. About how much of a place was Fort Smith then? A. A little country village at that time.
Q. You knew every body in it? A. Yes sir, every man, woman, and child.
Q. And you knew of the slave that Mitchel Sparks had gotten from Johnson? A. Yes sir, said to have been owned by old Ben Johnson. We used to see Ben Johnson's negroes there all the time.
Q. You would not know this slave now? A. Probably I would not It has been 40 years, you see.
Q. You had heard of the purchase of him before the war? A. Yes sir.
Q. And you had also heard of his running away from them? A. Yes sir, we had one to run off about the same time.

Mr. Bledsoe:
Q. You do not know of your own personal knowledge that this Walker was ever sold to the Sparks'? A. Only common hearsay.
Q. Do you know of your own personal knowledge that Walker Johnson was ever sold to the Sparks'? A. I know that Walker Johnson belonged to Mitchel Sparks. I suppose he bought him.
Q. You do not know of your own personal knowledge whether Walker Johnson was sold, hired, or just living with Sparks? A. Oh! I couldn't swear it.

Q. Do you know W. E. Johnson? A. Not by that name.
Q. Whose grandfather was Ben Johnson? A. No sir, I don' know that I know W. E. Johnson.
Q. He is a grandson of Ben Johnson? A. George Johnson had some children, and Anderson Johnson had some children.

Mr. Hastings:
Q. It was generally recognized that this slave, Walker, belonged to Mitchel Sparks, wasn't it? A. Yes sir .
Q. It was a matter that was generally known there? A. Yes sir, my father bought darkies there, and I wasn't present at the sale, still I was confidant of the purchase.
Q. There was some talk about it when he run away, wasn't there? A. I heard of it.
Q. And he was generally recognized as Mitchel Sparks' slave who had run off? A. Yes sir.

WITNESS EXCUSED.

R. W. Lindsey, being first duly sworn, testified as follows:

Commission:
Q. What is your name? A. R. W. Lindsey.
Q. How old are you? A. 72 years old.
Q. What is your post office address? A. Choteau.
Q. Are you a Cherokee by blood? A. No sir.

Mr. Hastings:
Q. Do you know a colored man who lives up there east of Choteau by the name of James Alberty? commonly known as Sheep Jim? A. Yes sir.
Q. How long have you known him? A. 40 odd years.
Q. You have known him continuously for the last few years, have you? A. Yes sir.
Q. How far does he live from you? A. About 6 miles.
Q. Do you know his reputation for truth and veracity in the community in which he lives? A. Well, Jim is considered shaky in his -------
Q. You know it, do you? A. Yes sir, I know what people say.
Q. Is that good or bad? A. It is bad.
Q. Would you believe him under oath as a witness?in a freedman case? A. No sir.
Q. Do you know about the time the town of Muskogee was established? A. Yes sir.
Q. About when was it? A. The latter part of February or early March of 1872.
Q. Then there was no town here in 1866? A. No sir, no part of a town.
Q. Then if Jim Alberty testified that he had been over here trading in the year 1866 and saw Walker Johnson over here at the ferry, that could not have been true? A. No sir.

Mr. Bledsoe:

Q. You couldn't state that it was not true as to the ferry? A. I don't know anything about the ferry -- as to Muskogee, it wasn't here.

WITNESS EXCUSED.

J. L. Baugh, being first duly sworn, testified as follows:

Mr. Hastings:
Q. What is your name? A. J. L. Baugh.
Q. You are a Cherokee by blood? A. Yes sir.
Q. Your post office address is Choteau? A. Yes sir.
Q. How long has Choteau been your post office? A. Since about 1871.
Q. Do you know James Alberty, commonly known as Sheep Jim? A. Yes sir.
Q. How long have you known him? A. About 25 years.
Q. Do you know his reputation for truth and veracity in the community in which he lives? A. Yes sir.
Q. Is that good or bad? A. Bad.
Q. Would you believe him under oath? A. No sir.
Q. Is it bad or would you regard it as very bad? A. Very bad.
Q. Notoriously bad? A. Yes sir.

WITNESS EXCUSED.

John Baldridge, being first duly sworn, testified as follows, on behalf of the applicant:

COMMISSION:
Q. What is your name? A. John Baldridge.
Q. How old are you? A. 74 years old.
Q. What is your post office address? A. Coffyville, Kansas.

Mr. Hastings:
Comes now the representative of the Cherokee Nation and asks to be allowed to interrogate the witness upon some preliminary questions, to test his qualification to testify.

Mr. Hastings--to witness:

Q. You have been tried in the Cherokee Courts, haven't you? A. Yes sir.
Q. And you were whipped once? A. No sir.
Q. Were you not convicted once? A. I was convicted and paid out. They just fined me.
Q. They convicted you of larceny once? A. No sir, I was freed on that.
Q. Hasn't it been offered in testimony a number of times that you were convicted? A. I was convicted and reprieved.
Q. Who reprieved you? A. The government.
Q. What government? A. United States government.
Q. Did the Cherokee Court convict you? A. They fined me $300.00.
Q. Were not you convicted for stealing just after the war? A. No sir, I never was convicted in the Cherokee Courts for larceny.
Q. Never was tried for that? A. No sir.

Mr. Bledsoe:
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. On the Dawes Commission roll? A. Yes sir.
Q. Do you know Walker Johnson? A. Yes sir, I used to know him.
Q. When did you first get acquainted with him? A. Before the war.
Q. Were you a slave? A. Yes sir.
Q. Of a Cherokee citizen? A. Yes sir.

Q. Who did he belong to? A. Ben Johnson, --lived on Lee's Creek near Fort Smith.
Q. Didn't he belong to Ben Johnson when the war broke out? A. Yes sir.
Q. Was he ever sold out that you know of? A. No sir, not that I know of.
Q. When did you see him ---after the war? A. Yes sir, I saw him after the war.
Q. When? A. In the year of '65 or '66.
Q. Where? A. Right across here at Fort Gibson.
Q. Has Walker Johnson always been considered a Cherokee citizen? A. Yes sir.

Mr. Hastings:
Q. How long had Ben Johnson lived there near Fort Smith? A. I don't know ---as long as I remember.
Q. Since you remember? A. Yes sir.
Q. For 20 years before the war? A. Yes sir, he must have.
Q. Then he never did live in Going Snake District at all? A. It is all the same.
Q. Right opposite from Fort Smith is on the line of Going Snake District, is it? A. Yes sir, Going Snake and Flint.
Q. Don't you know the north line of Flint District and the south line of Going Snake is within a mile of the town of Stilwell? A. I don't know where Stilwell is.
Q. Don't you know that it is within two miles of Evansville, Arkansas? A. No sir.
Q. It don't run there? A. I don't know where it runs, exactly
Q. What are you testifying about Going Snake being close to Fort Smith for? A. It runs in that direction.
Q. Don't you know that Going Snake never run south of Evansville, Arkansas? A. Flint District joins -----
Q. I am asking about Going Snake District. What is the nearest point of Going Snake District to Fort Smith, Arkansas? A. The nearest point --- I don't know.
Q. Is it as near as 40 miles? A. I don't suppose it is that far.
Q. 30 miles? A. Maybe in the neighborhood of 20 or 18. Not a great ways.
Q. Don't you know, as a matter of fact, that Stilwell on a straight line is more than 30 miles north of Sallisaw, and Sallisaw is northwest of Fort Smith, and, therefore, Going Snake More than 30 miles north of Fort Smith? A. I don't know where Stilwell is.
Q. Did you know where Cornelius Wright lived before the war? A. No sir.
Q. You never heard of him? A. I heard of him.
Q. Did you know where Cornelius Wright lived before the war? A. No sir.
Q. If this other witness testified that Ben Johnson lived up in Going Snake District when the war come up, he told what was not true? A. He lived close to Fort Smith.
Q. Then he never lived in Going Snake, did he? A. He lived on Lee's Creek, close to Fort Smith.
Q. How long before the war was it that you saw Walker Johnson at Ben Johnson's -- how many years before the war? A. I couldn't state just how long.
Q. 5 or 6? A. Not quite that long.
Q. 4 ? A. 2 or 3 years --- I don't know exactly.
Q. That is all you are willing to testify about, ain't it --that you saw him some 2 or 3 years before the war? A. Yes sir.
Q. You are not ready to testify about him when you hadn't seen him? A. No sir.

Q. You do not know about him after that time? A. Till along about '63.
Q. Till after he run off from Mitchel Sparks? A. I do not know where he come from. I don't know about that.
Q. Ben Johnson could have sold him before the war and you not have known it? A. Yes sir.
Q. Is not that man generally known as Sparks? A. I never knew that.
Q. Didn't you ever hear this applicant called Sparks? A. No sir.
Q. You swear that? A. I never heard him called Sparks.
Q. You mean to swear that under oath? A. Yes sir.
Q. You never have heard that up to this day? A. No sir.
Q. Where was he living when you first saw him after the war? A. He come to the army where we were.
Q. After the war? A. He was at Fort Gibson.
Q. Who was he working for there? A. I don't know.
Q. What time of the year was it you saw him? A. I saw him often and on in the Spring sometimes, and a way along in the Summer.
Q. Of what year? A. '66.
Q. Did you see him in 1867? A. I don't remember.
Q. Did you see him in 1868? A. I don't remember.
Q. Did you see him in 1869? A. I don't remember.
Q. Did you see him in 1870? A. I don't remember.
Q. Did you see him in 1871? A. No sir.
Q. Did you see him in 1872? A. I don't remember.
Q. Did you see him in 1873? A. No.
Q. Did you see him in 1874? A. I don't remember.
Q. Did you see him in 1875? A. No sir.
Q. Did you see him in 1876? A. No sir.
Q. '77? A. No sir.
Q. '78? A. I don't remember.
Q. '79? A. I don't remember.
Q. Did you see him in 1880? A. I don't remember.
Q. Have you ever seen him since 1866? A. No sir.
Q. You have never seen him since 1866? A. I have seen him since 1866.
Q. When did you see him next? A. In '74. When I moved away from Fort Gibson.
Q. Was he living there then? A. No sir, he wasn't living anywheres particularly.
Q. Did you see him from 1866 up to 1874? A. Not all the time.
Q. Had you ever seen him from 1866 until 1874? A. Yes sir.
Q. Where? A. At Fort Gibson.
Q. Didn't you just now swear that you had not seen him? A. not to live there.
Q. With whom was he living when you saw him in 1866? A. He wasn't living with anybody particularly.
Q. What was he doing? A. Just dragging around.
Q. Don't you know what house he stayed at? A. No sir.
Q. Don't know what he was doing? A. No sir, it is a hard question to watch a young man.
Q. Where did you ever see him settled down at any place? A. No where.

Mr. Bledsoe:
Q. If Walker Johnson had been sold, were you living close enough that you would have known it? A. Yes sir.

Mr. Hastings:
Q. Where were you living before the war? A. On Illinois River

Q. How far from Tahlequah? A. 13 miles.
Q. How far was it from Fort Smith? A. I guess, between 30 and 35 miles. Somewhere along in there. Our trading point was Fort Smith.
Q. You were a slave before the war? A. Of course. My young mistress went to Fort Smith to trade.

WITNESS EXCUSED.

W. W. Hastings, being first duly sworn, states as follows:

My name is W. W. Hastings, I am 37 years of age, my post office address is Tahlequah, Indian Territory. The south boundary line of Going Snake District is near where the town of Stilwell now is, and the town of Stilwell is some 40 miles north and a little west of Fort Smith, Arkansas, and my best judgment is that no point of Going Snake District is nearer than 30 or 35 miles to Fort Smith. The point that this last witness places himself --- say, about 13 miles north of Tahlequah on the Illinois River, would be a distance of 70 or 75 miles from Fort Smith, Arkansas, and about that same distance to where he places Ben Johnson before the war; and if Ben Johnson lived across the river from Fort Smith, in Sequoyah District, he would have lived at lease 80 miles from where Rose Rogers places herself before the war.

Mr. Bledsoe:

NO QUESTIONS.

H. M. Vance, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd. day of September, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

H. M. Vance

Subscribed and sworn to before me this the 1st day of February, 1905.

Charles N. Sampson

Notary Public.

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C.R. 356

FILED
DEC 2 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedman D-356.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Nov. 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Walker Johnson as a Cherokee Freedman.

APPEARANCES:
Applicant appears by his attorney, I. P. Bledsoe.
Cherokee Nation by attorneys? L. B. Bell and W. W Hastings.

WILLIAM E. JOHNSON being duly sworn testifies as follows:

EXAMINATION BY MR. BLEDSOE:

Q What is your name? A William E. Johnson.
Q How old are you Mr. Johnson? A I am 49 years old, born in 1855.
Q Where do you live? A I live in the Saline district, Cherokee Nation.
Q You are an Indian by blood? A Yes, sir.
Q Do you know Walker Johnson? Yes sir.
Q How long have you known him? A I have known Walker Johnson two or three years.
Q Did you know him before the war or during the war? A Well I remember seeing him but he went by the name of Hubbard.
Q Is Hubbard and Walker the same? A Yes sir.
Q To whom did Walker belong? A My grandfather.
Q Is your grandfather a Cherokee citizen? A Yes, sir.
Q Was this Walker or Hubbard ever sold out? A Not that I know of.
Q If he had been sold you would have know it, would you? A Yes.
Q Did you live near them or with them? A Well we lived close together.
Q Tell the Commission what you know about him being sold out.
A I never knew of my grandfather ever selling but a woman and two children. The woman we called her Big Mary, she had two children. I suppose the reason I remember this was cause these was the first niggers I ever knowed of him selling and it created right smart talk among the darkies, they said "Master a sellin Big Mary".I don't know anything about what he got or whether he got anything at all.
Q Who was this Aunt Big Mary? A She was said to be the mother of Walker or Hubbard.
Q Where did they live at the time she was sold? A We lived in Ft. Smith. My grandfather lived on one side of the street and my father lived on the other side when this sale was done.
Q I understood you to state that he never was sold? A No, not that I know anything about.
Q You were old enough then and in a position to know? A Why I think I would have heard of it. There was a lot of niggers run off before this and I would like to tell the reason I remember this.
Q Just tell it. A Before we moved to Ft. Smith, before this sale was made of this nigger woman and two children, we lived on this side of the river on my Aunt's place and my mother was taken sick and was sick for sometime, I don't just know how long, I know it was in '62 or '63. When night come on the women got scared, saying they was afeared of them niggers and

there was no light in the house and there was some poles across the top and they taken one of them down and cut it up to make a light in the house and somethine was said about what was the matter and they said they was feared of them niggers and they wanted to know what niggers and they said Mose and Hubbard and John and Pick.
Q That was in what year? A '62 or '63, I don't know which, we moved from that place to Ft. Smith.
Q The sale of these other niggers was down in Ft. Smith? A Yes.
Q After that? A Yes, sir, I suppose it was after that, we never--
Q This nigger Hubbard or Walker was not included in that sale?
A No, sir.
Q That was all the niggers you ever knew of your grandfather selling? A Yes, sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q Did this Walker Johnson or Hubbard ever go by the name of Sparks? A I don't know.
Q Well that you ever heard of? A Yes, I heard he went by the name of Sparks.
Q Now did you ever know a man by the name of Mitchell? A I knew a person.
Q Did you ever see him before the war? A Why I may have seen him I don't remember.
Q Well he was a recognized citizen in the State of Arkansas? A Ye
Q Now you were born in 1885? A Yes.
Q What was your father's name? A Anderson Johnson.
Q Where did your father live from '59 to '61? A Well sir, up to I reckon from '59 on up till '61, the breaking out of the war, near Flint Court House.
Q Well you were living in Flint district when the war broke out? A Yes.
Q How far was the Flint Court House, or the place where you was living, from where your grandfather lived at Ft. Smith?
A About 40 miles.
Q Your grandfather at that time lived just across the road in Ft. Smith, Arkansas? A He lived on the old place, I reckon he did.
Q You were only between five and six years old when the war broke out? A Yes.
Q But this slave formerly belonged to your grandfather in Ft. Smith? A Yes.
Q Now you have heard that this man has gone by the name of Sparks? A Yes.
Q He is called by both names, Walker Sparks and Walker Johnson?
A. Yes.
Q Well now wasn't it possible that this fellow could have been sold in '59 or '60 without your knowing it, you lived 40 miles away? A Of course such things could happen, but then I would have been apt to heard it among the niggers. I was just a little chap and played with the niggers all the time.
Q But you couldn't be positive now that this nigger belonged to your grandfather when the war came up? A Never no more than what them women said that night.
Q Don't you know the truth of the matter is he was sold to Mitchell Sparks, a white man, at the very time you knew he had run off from Mitchell Sparks and sought concealment there with your grandfathers niggers? A No sir.

Q Are you willing to swear now on your oath that this man was never sold to Mitchell Sparks? A If he was I never knew about it.
Q Are you willing to swear that he wasn't? A Why I don't know that I can swear to it, possibly he was, but it looks as if he was I would have knowed it.
Q You say you were five years old at the time? A Why I was 6 or 7
Q You were born in '55 before the warcame up? A In '61 would have been 6.
Q But I am asking you between '59 and '61, are you willing now to swear that this man was never sold to Mitchell Sparks? A All the answer I could give if he was sold I never knew of it.
Q Now how do you account for his going by the name of Sparks if Sparks didn't own him? A Just takin that name.
Q Well how do you account for his going by the name of Sparks if Sparks never owned him? A I guess his mother was sold to Sparks. I am not interested in this case at all, am just trying to tell you the truth. I don't want to misrepresent anything.
Q. When did you ever see this fellow after the war? A I never saw him until after he come to Saline district.
Q A short time ago? A About ten years ago.
Q Now how long before the war was it you saw Walker Johnson at your grandfathers? A I couldn't tell, Mr. Hastings.
Q Are you positive you saw him there in '60? A No, I couldn't say.
Q Are you positive you saw him there in '61? A No, I couldn't say about it.

EXAMINATION BY THE COMMISSION:

Q How far did you say it was from where you were living say in '60 or '61 from where your grandfather lived, and owned, as you claimed this man, Walker Johnson, or Walker Sparks? A We called it 40 miles, but in '61 sometime, I couldn't tell when that we moved down there together near each other, we first lived on this place and then moved to Ft. Smith and then there was just a street divided my fathers and grandfathers families and this is where this nigger woman was sold.
Q Can you remember being down to your grandfathers place about '60.
A I can't remember of ever being there until after we moved, I don't know what year.
Q As a boy of five or six years of age would you likely be down there very often? A I suppose not.
Q Unless your father or your mother took you there for a visit?
A At that time I went with father.
Q Your father was living? A Yes sir.

CROSS EXAMINATION BY MR. HASTINGS:

Q You testified that you didn't remember seeing this fellow in '60 or '61 at your grandfathers place? A No.
Q Then you couldn't remember seeing him in '59, you was too young then, then you couldn't remember seeing him in '58 you was st still younger then and you didn't see him in '57 you was younger still.
Q Well then according to your own testimony you never remember seeing Walker Johnson at your grandfathers place before the war?
A No I couldn't say that I did.

EXAMINATION BY MR. BLEDSOE:

Q Then to your own knowledge there was no other sale made but this Aunt Big Mary? A No sir, I don't know of any other sale being made.

BY MR. HASTINGS:

Q But according to your testimony you never did remember seeing this man Sparks at your grandfathers before the war came up? A
A No, sir.
Q And all that you remember at all of this man was the circumstance of your making that light with a pole of wood in the house because it was understood that Hubbard and Mose had come?
A Yes, the women was scared of these runaway niggers around there.
Q You didn't see him then? A No sir, I was scared to death.
Q You didn't know then who this Hubbard actually belonged to at this time? A I supposed he belonged to my grandfather.
Q He may have been sold to Sparks and been a runaway nigger at this time? A He could have been, but I don't think it was possible cause the niggers or somebody would have heard somebody say something about it.
Q You never did see this Hubbard, or Walker Johnson, before the war according to your testimony? A I don't know, it is kind of a mixed up business, of course I have been around with him sometime or another, I don't know when. I can't tell you when, but I know by the talk around when he come. The name Hubbard was familiar with the boys.
Q You just remember hearing the name Hubbard but you don't remember this man or of having seen him before the war came up? A
A No, I can't say I did.
Q You didn't move down to Ft. Smith near your grandfather until after the war sometime in '61 or '62? A The war was going on, we had to leave home.

BY MR. BLEDSOE:

Q To the best of your knowledge and belief Mr. Johnson, this man belonged to your grandfather and never was sold?

MR. HASTINGS: Objected to for the reason that this witness himself states that he never saw this man at his grandfathers before the war.

WITNESS EXCUSED.

JOHN PRICE being duly sworn testifies as follows:

EXAMINATION BY MR. BLEDSOE:

Q What is your name? A John Price.
Q What is your age? A 59 years old.
Q Where do you live? A Tallequah.
Q Cherokee by blood? A Yes, sir.
Q Do you know one Walker Johnson? A Yes.
Q When did you first see him after the war? A I first saw Walker Johnson with Brown Wright.
Q Where at? A I was at Tallequah.
Q What year? A The latter part of 1867.
Q Where have you seen him since that time? A I met him after that with a load of goods and property for Brown Wright, moving to old man Wright's place. There wasn't very many niggors in the country at that time and I asked him who he was and I said "are you the same nigger that lived in Tallequah" and he said he was.
Q Is he living in the Cherokee Nation? A I suppose so.
Q Did he marry a full blood Cherokee? A Well she is not a full blood.
Q Cherokee by blood? A I suppose so.

WITNESS EXCUSED.

STICK ROSS being duly sworn testifies as follows:

EXAMINATION BY MR. BLEDSOE:

Q What is your name? A Stick Ross.
Q What is your age? A 54.
Q Cherokee Freedman? A Yes, sir.
Q Straight card? A Yes, sir.
Q Where do you live? A Tallequah.
Q Do you know Walker Sparks or Walker Johnson, A Yes sir.
Q When did you first see him after the war? A I will tell you I can't exactly say, it was in '66 or '67, I know it was when he was at Brown Wright's place at Tallequah. We had a council there and I saw him, I think it was in '66, but I understand it was in '67 when he was at this man Wrights. He says he saw me and I was trying to recollect when it was. I was well acquainted with him up there when he was at Brown Wright's place, at Tallequah.
Q You don't remember seeing him before that time at Ft. Gibson?
A. No, sir, I don't remember that I saw him, he says he saw me.

EXAMINATION BY MR. HASTINGS:

Q And you never saw him until John Price saw him at Brown Wright's place in '67? A Yes.
Q When did you draw that payment money, what year? A I couldn't tell, I drawed it at Vinita.
Q Do you know what year your children were born? A No, the old woman does, I don't. She has their ages.
Q You don't know much about these years? A No, I don't remember any of them.
Q What is your opinion about the ownership of this applicant, Walker Johnson, before the war? A Well, they said he was sold.
Q Who to? A A man named Sparks.
Q A white man? A Yes, they say so, I never saw him.
Q That was your opinion at the time? A Yes, sir.

BY MR. BLEDSOE:

Q You didn't know of your own knowledge that he was sold? A No, that has always been charged against him.

BY MR. HASTINGS:

Q Did he ever go by the name of Sparks? A That was what he went by, yes.
Q Why did you call him Sparks? A That was what his name was.
Q And he always went by the name of Sparks until lately? A Yes.

WITNESS EXCUSED.
---000---

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 22nd day of November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 1st day of December, 1904.

J. Campbell
Notary Public.

FILED
MAR 16 1905
COMMISSION TO FIVE TRIBES.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 6, 1905.

In the matter of making the testimony of Cy Johnson, taken in the matter of the application for the enrollment of Delilah Johnson et al. and Elizabeth Melton et al., a part of the record in the matter of the application for the enrollment of Walker Sparkes as a Cherokee Freedman.

Cy Johnson, being duly sworn, testified as follows:

Mr. Blue:

Q What is your name? A Cy Johnson.
Q How old are you? A 44 years old.
Q What is your postoffice address? A Melvin, I.T.
Q Are you a Cherokee Freedman? A Yes sir.
Q Are you on the final roll? A Yes sir.
Q Did you know Harrison Johnson during his lifetime? A Yes sir.
Q What relation are you to him? A None, only we belonged to the same family.
Q Was he a slave of a Cherokee citizen at the commencement of the war? A Yes sir.
Q Whose slave was he? A Ben Johnson's.
Q Did Ben Johnson have more than one slave? A Yes sir.
Q Did he have a good many of them? A Yes sir.
Q Do you remember the names of any of the others? A Yes sir, one was named Mary, one was Uncle Turner, Mose and Adeline..
Q Did you see Harrison H Johnson in the Cherokee Nation after the war? A Yes sir.
Q How soon after the war? A I don't know.
Q Where did you see him first after the war? A In Sequoyah District.
Q Did you see him frequently after that time? A Yes sir.
Q Do you know what year it was you saw him in Sequoyah District?
A. Along in '65 ---no, in '66.
Q Did he remain here during the war? A No sir, he went to the Choctaw Nation on Blue.
Q Did you go with him? A Yes sir.
Q Did you go of your own free will, or was you taken there?
A. I was taken by old man Johnson.
Q How did you come back from the Choctaw Nation? A Reuben and my mother and myself and four other children walked back.
Q Do you know how Harrison got back? A No sir, I don't.
Q You say you and Harrison both belonged to the same man?
A. Yes sir.
Q After the war did you see Harrison Johnson frequently in the Cherokee country? A Yes sir.
Q Did you ever visit his home after he was married? A No sir.
Q Do you know his wife,---Delilah Rowe? A No sir, he wasn't married when I knew him. I don't know her at all.

Mr. Davenport:

Q Say your name is Cy Johnson? A Yes,sir.
Q It has been a long time since the war, hasn't it?
A. Yes sir, a good while.
Q How many years since the war, Cy? A I don't know exactly.
Q. Can you remember when the war closed? A Yes sir.
Q Can you remember when it commenced? A No sir.
Q How long was it after the war that you saw Harrison Johnson in the Cherokee Nation? A It must have been a year or two, I guess.
Q Cy, you are not trying to testify to this Commission that you remember who was the owner of Harrison Johnson when the war commenced? A Yes sir.
Q And you are now how old? A 44
Q Don't you know that if you are 44 now, that you were not born at the commencement of the war? A It must be down wrong
Q Don't you know that you would have been too little to remember who belonged to who? A I do remember it.
Q Was you old enough when the war broke out to remember Ben Johnson? A Yes sir.
Q And you remember Harrison Johnson? A Yes sir.
Q What year did the war break out? A I couldn't tell you.
Q What year did it close? A I couldn't tell you that either.
Q Do you know what year this is? A No sir.
Q Then you do not know how old you are? A I said I was 44 years old.
Q Do you know what year it was that you and your mother and four children walked back from the Choctaw Nation to this country?
A. Yes sir, it was in '65.
Q You are 44 years old now, and in '65 you walked from the Choctaw Nation? A Yes sir.

Mr. Blue:

Q Why do you know your age---what do you know about it?
A. My young mistress said I was 44 years old.
Q You do not know positively how old you are, do you? A No sir.
Q You are positive that you walked back from the Choctaw Nation?
A. Yes sir, I know that I give out.
Q Do you know that you and Harrison Johnson and the other slaves went into the Choctaw Nation with your master? A Yes sir.
Q Were there other boys that were slaves of Ben Johnson at that time? A Yes sir.
Q Did he take all the slaves that you know he owned into the Choctaw Nation? A All but two.
Q Who were they? A Harrison's mother and Walker Sparkes.
Q What was Harrison's mother's name? A Mary.
Q Where did she stay? A He sold her off.

MR. Davenport:

Q How long a before the war had it been since he sold Mary?
A. I don't know. The war was breaking out and then he sold her.
Q Where was Walker Sparkes at that time? A In Fort Smith.
He belonged to old man Sparkes.
Q Old man Sparkes was a United States citizen? A Yes sir.
Q You can remember all this? A Yes sir.
Q And your young mistress told you that you are 44 years old?
A. Yes,sir .
Q Where is she? A At Park Hill.
Q What is her name? A Dee Balentine
Q How old is your young mistress, that told you that you are 44 years old? A She is older than I am.

Q You say the mother of Harrison and another slave were sold?
A. Yes sir.
Q And with the exception of these two he took the rest of his slaves? A -Yes sir.

WITNESS EXCUSED.

Mr. Hastings:

(This Walker Sparkes has made application, under the name of Walker Johnson, and is found on Freedman-D- card number 356. There has been a good deal of testimony introduced in this case, and I suggest that the Commission, of its own motion, you having developed this testimony, make the testimony of this witness a part of the record in the Walker Sparkes case.)

COMMISSION: (The Field Party will take the testimony of Mary Dee Balintine, and find out the slaves of Ben Johnson at the beginning of the war of the Rebellion. They will inquire with particular reference to Walker Sparkes, or Johnson, and Harrison Johnson.)

Commission: Daniel Sanders recalled.

Q When did Harrison Johnson die? A Four or five years ago--maybe six.
Q Is he on the '80 roll? A I don't know. He ought to be. I know he is on the '96 roll, and he ought to be on the roll of '70 if there is one.
Q When you saw Harrison at Fort Scott, as you have stated, do you know how he was traveling? A He come with some wagons from Fort Gibson.
Q When was that you saw him? A In the fall of '66.
Q Do you know how he happened to be there? A He was hunting his mother, and had heard that she was up there, and he went up there after her.
Q How long did he remain in Fort Scott after you saw him there?
A. He wasn't there very long. He heard that his mother was in the country from there, and he went to where she was, and then come back.
Q Do you know whether he found his mother or not? A Yes sir.
Q Where was she? A Up on Mill Creek from Fort Scott.
Q After finding his mother then you said he returned to Fort Gibson? A I don't know just exactly.
Q When did you first see him in the Cherokee Nation after that?
A. In '67.
Q What time of the year? A In the fall of '67.
Q Did Harrison have any brothers? A Yes sir.
Q Can upi give the names of them? A Walker, Anderson, Reuben, and Sam.
Q Do you know whether or not any of them are on the '80 roll?
A. They ought to have been on the roll, but I don't know whether they were put on or not.
Q What has become of these brothers of Harrison Johnson?
A. Walker is dead, and Sam died in Jail at Fort Smith for killing his next oldest brother.
Q What do you say about Harrison being on the roll of '96?
A. Yes sir, he is on it--- and I think he is on the Kerns-Clifton roll.

WITNESS EXCUSED.

CASE CLOSED.

Eula Jeanes Branson, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 6th day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

(Signed) Eula Jeanes Branson

Subscribed and sworn to before me this the 15th day of March, 1905.

(Signed) Myron White
Notary Public.

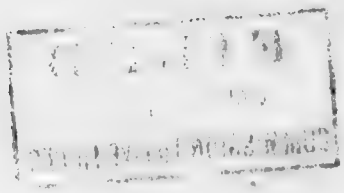
(S E A L)

Lucy M. Bowman, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full and complete copy of theoriginal transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 17th day of March, 1905.

Myron White
Notary Public.



C.X. E-356

FILED
APR 17 1905
COMMISSIONER OF FIVE TRIBES

CFD267

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHEROKEE ENROLLMENT FIELD PARTY.
TAHLEQUAH, I. T., MARCH 21, 1905.

SUPPLEMENTAL PROCEEDINGS HAD IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF HARRISON JOHNSON ET AL., AS CHEROKEE FREEDMEN.

MARY D. BALENTINE, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Mary D. Balentine.
Q What is your age? A I will be 48 years old next month.
Q Are you a citizen by bloodof the Cherokee Nation? A Yes sir.
Q What is your post office address? A Tahlequah, I. T.
Q How long have you lived in the Cherokee Nation? A All my life only what time we were away during the war, I was just a child and we lived in the Choctaw Nation during the war.
Q What was the name of your father? A Anderson Johnson.
Q What was the name of your mother? A Lucy Johnson.
Q Were they both citizens by blood of the Cherokee Nation? A Yes sir.
Q Did you ever know Ben and Annie Johnson? A Yes sir, my grandfather was named Ben Johnson, my grand-mother was named Annie.
Q Were they living at the outbreak of the war of the rebellion?
A My grand-father was.
Q Was he a citizen of the Cherokee Nation? A Yes sir, he was an adopted citizen, he was a whiteman.
Q was he the only Ben Johnson you ever knew? A No sir, I had an Uncle Ben.
Q Was he a citizen by blood of the Cherokee Nation ? A Yes sir.
Q Was he a citizen of the Cherokee Nation at the outbreak of the war of the rebellion? A Yes sir.
Q Where was he living? A Down near Fort Smith in the Cherokee Nation.
Q What was the name of his wife? A I don't know, I am not certain but I think her name was Martha.
Q What relation wa he to you? A My Uncle.
Q Was this Ben Johnson, who was your uncle, your father's brother?
A Yes sir.
Q And he was a citizen by blood of the Cherokee Nation? A Yes sir
Q Your grand-father was an adopted citizen? A Yes sir, he was a whiteman but my grand-mother was a Cherokee .
Q Did your grand-mother die prior to the outbreak of the war?
A Yes sir.
Q Did either your grand-father, Ben Johnson, or your Uncle, Ben Johnson, own slaves at the outbreak of the war of the rebellion by the nameof Harrison Johnson, Charlotte Johnson, Millie White and Walter Sparks? A I don't know, I cannot remember, I was just a child then, but I know my father had a girl they called Charlotte, but the others I cannot remember anything about them.
Q What was your father's name? A Anderson Johnson.
Q Was Charlotte Johnson the slave of your father at the beginning of the war? A Yes sir.
Q Do you remember whether Harrison Johnson or Millie White or Walter Sparks were all or either of them the property of any of the Johnson family? A No sir I don't remember anything about them at all.
Q But Charlotte was the slave of your father? A Yes sir, we had a girl by that name, I remember her but the others I don't remember anything about.

Q About how old would Charlotte be if living at present? A I think she was a girl a little bit younger than I am
Q Do you know whether this Charlotte you refer to is living or not? A No sir, I don't.
Q Do you know the name of this Charlotte's mother? A They called her Clash, I think that is what they called her.
Q Was Charlotte's mother the slave of your father? A Yes sir.
Q Was she living with your family at the outbreak of the war in the Cherokee Nation? A I think so, yes sir.
Q Did she go out of the Cherokee Nation during the w ar? A She wet went with us to the Choctaw Nation, but she died out there.
Q Charlotte died? A No not Charlotte, her mother.
Q Did Charlotte go to the Choctaw Nation with your family? A Yes sir.
Q What time did your family return to the Cherokee Nation after the war? A I don't remember.
Q Do you know when the Charlotte Johnson you refer to returned to the Cherokee Nation? A Well I don't, I thought I knew but I got the wrong idea in my head about Charlotte some way, I thought we left her in the Choctaw Nation but my brother older than I am was here and I asked him about it and he said she came back with us.
Q He said Charlotte Johnson came back to the Cherokee Nation with you? A Yes sir, when we come back we stopped over by Fort Smith awhile and he said Charlotte came with us to this place here the other sid~~ethe~~ of Fort Smith andhe doesn't know what became of her then.
Q Then to the best of your information you had not yet reached the Cherokee Nation when Charlotte Johnson left you? A No sir we hadn't, it was a little place the other side of Fort Smith, some place where we stopped.
Q Have you seen this Charlotte Johnson to whom you refer since then?
A No sir.
Q Do you know whether she is living or not? A No sir I don't.
Q You have no recollection as to Harrison Johnson, Millie White and Walter Sparks? A No sir, I haven't.
Q Do you know whether or not Charlotte Johnson and Millie White or either of them were ~~sks~~ sold to one Kerd Vinson in Alabama prior to the war? A No sir I don't, I know charlotte wasn't, but I don't remember anything about the other ones at all.
Q You know Charlotte Johnson wasn't sold to Kerd Vinson before the war? A No sir she wasn't.
Q Have you any recollection of Millie White being sold? A No sir I don't know anything about her at all.
Q You don't know whether either of them were hired to CVinson in Alabama? A No sir I know Charlotte wasn't, but I don't know anything about the other ones.
Q Do you remember whether Walter Sparks, sometimes called Walter Johnson, was sold to one Sparks at Fort Smith, Arkansas, about the time of the war? A No sir, I don't.
Q Do you remember the ~~names~~ names of any or all of the slaves of Ben Johnson at the outbreak of the war? A I remember some of them, he had a good many slaves but I don't remembeer any other names.
Q Give the names that you can recollect? A He had one woman, her n name was Adaline, and she had some sons, John, Aaron, she had a daughter names Sarah, then he had another woman named Ailsie, I remember he had two named Mary, Big Mary and Little Mary, I believe that is all I can remember.

Q These slaves you have ju t named were they theproperty of your Uncle Ben Johnson? A I think they were the property of my grand-father, I am not certain of that.
Q Did your grand-father, Ben Johnson, and your Uncle, Ben Johnson, and your father live in the same community? A No sir, Uncle Ben Johnson and my grand-father, I think as well as I remember, they lived together, but my father lived up by Stilwell and they lived down near Fort Smith.
Q Your Uncle Ben and your grand-father lived together? A I think so, but I am not certain, but I think they did.
Q That is your best recollection? A Yes sir.
Q These slaves you have named belonged to one or the other of them?
A Yes sir, one or the other but I think they belonged to my grand-father, but this Charlotte belonged to my father.
Q The Charlotte you refer to belonged to your own father? A Yes sir

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George H. Lessley, being first duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this April 17, 1909.

Virgil Y. White,

Notary Public.

C.F.B.

Cherokee D 256

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Walker Johnson as a citizen of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on May 20, 1901, at Vinita, Indian Territory, Walker Johnson appeared before the Commission to the Five Civilized Tribes, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, May 21, and October 22, 1901, and at Muskogee, Indian Territory, May 9, and May 21, 1902. The records further show that on July 10, 1903, the Commission to the Five Civilized Tribes rendered its decision herein, denying the application for the enrollment of said applicant as a Cherokee freedman, and that said decision was duly forwarded the Department for review and decision; that thereafter on April 7, 1904 (I.T.D. 1472-04), the Department, in view of a recommendation by the Commissioner of Indian Affairs that said decision of the Commission to the Five Civilized Tribes be reversed directed said Commission to notify the attorney for the Cherokee Nation and the applicant of said recommendation, and to allow said attorney thirty days within which to file any argument in the matter he might desire, and the applicant ten days within which to reply to same, and to serve such argument upon the parties, and that thereafter on August 17, 1904 (I.T.D.1472-04, 4998-04), the Department remanded said case to said Commission for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, September 22, and November 22, 1904. A copy of the testimony of Cy Johnson taken at Muskogee, Indian Territory March 6, 1905, before the Commission to the Five Civilized Tribes, in the matter of the application for the enrollment of Delilah Johnson, et al., and Elizabeth Melton, et al., as Cherokee freedmen, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Walker Johnson, claims that he was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and that he complied with the provisions of Article nine of the Treaty of 1866, but after ample opportunity having been afforded said applicant to establish by satisfactory evidence, that he was either the slave of a Cherokee citizen, or a free colored person residing in the Cherokee country at the commencement of the war of the rebellion, and that he was an actual personal bona fide resident of the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation, and as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137), he has failed to do so, or to show that he

possesses any right whatever, to Cherokee freedman citizenship, hence, the application of the said Walker Johnson for enrollment as a Cherokee freedman comes within the rulings of the Department in the cases of Eliza J. Bryant, et al. (I.T.D.544-04), Ed Williams (I.T.D.4230-04), William Rector (I.T.D.1468-04), Minnie Duncan, et al. (I.T.D.1470-04), Samantha Chambers (I.T.D.2296-04), Moses Ross (I.T.D.6056-04), Florence Bratcher (I.T.D.12692-04), and Frankie Grimmett (I.T.D.17902-1905). Excepting the Kern-Clifton and Wallace rolls, said applicant cannot be identified on any roll of the Cherokee Nation in the possession of this office.

The evidence further shows that Walker Johnson is the husband of Patsy Johnson, nee Blackfox, a citizen by blood of the Cherokee Nation, whose name is included in the approved partial roll of citizens by blood of the Cherokee Nation, opposite No. 6820. It is further shown that the said parties were not married until subsequent to November 1, 1875.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Walker Johnson is not entitled to enrollment as a Cherokee freedman, and his application for enrollment as such is accordingly denied; and that in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the case of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, said Walker Johnson is not entitled to enrollment as a citizen by intermarriage of the Cherokee Nation, and his application for enrollment as such is accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this FEB 12 1907

4D366

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Walker Johnson,
Locust Grove, I. T.
Cherokee F-D-356.
Register.

7 N 056

Department of the Interior,
RECEIVED
JUN 13 1901
Enc. No. 2 of No. 2278
Indian Territory Division.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1901

ACTING CHAIRMAN.

Copy.

Refer in reply to the following:
Land
30524-1901

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 12, 1901.

The Honorable

The Secretary of the Interior.

Sir:

The office is in receipt of Department letter of June 7, 1901, transmitting for consideration, report, and recommendation a letter from Walker Johnson, of Locustgrove, Indian Territory, requesting that a certificate showing his election "as Grand Councilor" in the Cherokee Nation, which he states he forwarded to the Department some years ago be returned to him so that he can present the same to the Commission in connection with his application for citizenship in the Cherokee Nation.

In reply, I have to advise you that on September 22, 1893, this office received a letter from said Walker Johnson complaining that in the taking of the census just prior to the date of his letter the authorities of the Cherokee Nation refused to enroll him as a citizen and with said communication he transmitted a commission signed by J. B. Mays, Principal Chief of the Cherokee Nation, which said commission was dated November 27, 1891, and appointed him Grand Councilor of the Saline District of said Nation for the term of two years from November 16, 1891. This commis-

sion was returned to Mr. Johnson with office letter of October 2, 1895, and it is respectfully recommended that he be so advised.

Very respectfully,
Your obedient servant,

W. A. Jones.

Commissioner.

G. A. W. (L'c)

Cherokee Freedman
D-356

Muskogee, Indian Territory, July 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Walker Johnson for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-56

Cherokee Freedman
D-356

Muskogee, Indian Territory, July 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Walker Johnson for the enrollment of himself as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. D-55

Cherokee Freedman
D-356

Muskogee, Indian Territory, July 24, 1903.

I. P. Bledsoe,

Attorney for Walker Johnson,

Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings, together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Walker Johnson for the enrollment of himself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-54

Register.

COPY

Cherokee Freedman
D-356

Muskogee, Indian Territory, July 24, 1903.

Walker Johnson,

Locust Grove, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, I. P. Bledsoe, Chouteau, Indian Territory, a copy of the record of proceedings had in the original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-53

Commissioner in Charge.

Register.

LAND.
47517/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Feb. 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated July 24, 1903, transmitting the application of Walker Johnson for enrollment as a Cherokee Freedman.

July 10, 1903, the Commission held the applicant was not entitled to enrollment. The Commission found that the applicant was not the slave of a Cherokee Citizen or of a free colored person residing within the Cherokee Nation at the commencement of the Rebellion; that the applicant went out of the Nation during the Rebellion and did not return within the time limit fixed by the Treaty of 1866.

The record in this case shows that the applicant belonged to George Johnson, a citizen of the Cherokee Nation, at the commencement of the war. He is the son of Reuben and Mary Johnson. He was also known by the name of Walker Sparks and Hubbard Johnson.

The applicant testified that he returned to the Cherokee Nation from Kansas during the year 1866. Jim Alberty testified that the applicant was running a ferry for Mrs. Brady in that year within the limits of the Cherokee Nation. M. B. Rowe testified that he did not see the applicant in the Cherokee Nation until about 1870 and that he did not know where the applicant was in 1866.

Murrell Johnson testified that he came to the Cherokee Nation in 1866 and that Walker Sparks, this applicant, was in the Cherokee Nation at that time. He also testified that he did not know whether the applicant was in the Cherokee Nation in 1866.

There is some testimony in the case relative to the applicant having been sold to a person by the name of Parks, but the preponderance of the evidence shows that he was not so sold.

The office is unable to agree with the Commission's findings. It seems that the applicant was, at the commencement of the rebellion a slave of a Cherokee citizen; that during the war he went to the State of Kansas, but returned before Feb. 11, 1867 and under Department letter of May 11, 1900, it is believed that the applicant is entitled to enrollment as a Cherokee Freedman, and it is therefore recommended that the decision of the Commission adverse to him be not approved and that the Commission be directed to enroll the applicant.

Very respectfully,

GAW-H

Acting Commissioner.

Cherokee Freedmen
D 356

Muskogee, Indian Territory, April 18, 1904.

Walker Johnson,

Locust Grove, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 7, inclosing a copy of Commissioner of Indian Affairs' letter of February 18, recommending the reversal of the Commission's decision of July 10, 1903, rejecting your application for enrollment as a Cherokee freedman.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to the Nation's argument.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 356

Muskogee, Indian Territory, April 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 7, inclosing a copy of Commissioner of Indian Affairs' letter of February 18, recommending the reversal of the Commission's decision of July 10, 1903, rejecting the application for the enrollment of Walker Johnson as a Cherokee freedman, case No. F. D. 356.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in this case, a copy of which argument you will be required to furnish the applicant.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 356

Muskogee, Indian Territory, April 18, 1904.

I. P. Bledsoe,

Agent for Walker Johnson,

Choteau, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 7, inclosing a copy of Commissioner of Indian Affairs' letter of February 18, recommending the reversal of the Commission's decision of July 10, 1903, rejecting the application for the enrollment of Walker Johnson as a Cherokee freedman, case No. F. D. 356.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish the applicant. You are advised that the applicant will be allowed ten days additional within which to reply to the Nation's argument.

Respectfully,

Commissioner in Charge.

Cher. F. D-356.

Muskogee, Indian Territory, June 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 7, 1904, (I.T.D. 1478-1904) there is herewith inclosed argument of attorney for Cherokee Nation, in the matter of the application of Walker Johnson, for enrollment as a Cherokee Freedman, the Commission's decision in which case was forwarded to the Department on July 10, 1903. This argument was received by the Commission on May 20, and bears evidence of service upon the applicant.

No reply to said argument has as yet been submitted by the applicant.

Respectfully,

Enc. S-4.

Chairman.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen

D-356.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Walker Johnson for enrollment as a Cherokee freedman, in which case you were recently allowed thirty days within which to file argument, there is herewith returned the argument filed by you in that case, together with a copy of Departmental letter of June 23, 1904, in which it is stated that a copy of your said argument should have been served upon the applicant's attorney, I. P. Bledsoe.

It is requested that you comply with the instructions contained in the Department's letter above mentioned, and that you return your argument at once, in order that same may again be transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Encl. S-20

Cherokee-Freedmen

D-356.

Muskogee, Indian Territory, July 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 7, (ITD 1472-1904), there is herewith transmitted argument of the Attorney for the Cherokee Nation in the case of Walker Johnson, Cherokee Freedmen D-356, which argument was recently returned by the Department in order that it might be served upon the applicant's attorney, I. P. Bledsoe of Choteau, Indian Territory. Attached to this argument is an affidavit of service upon the person above named.

Respectfully,

Enc. S-31

Commissioner in Charge.

Copy.

Refer in reply
to the following:
Land.
38901-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 7, 1904, (I.T.D. 1472), there is enclosed herewith a report from the Commission to the Five Civilized Tribes, transmitting argument of the attorney for the Cherokee Nation, relative to the application of Walker Johnson for enrollment as a Cherokee freedman.

The argument bears evidence of service upon the applicant, and the Commission say that no reply has been made thereto.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

CAW-D

J.P.

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.C.-21695-1904.

I.T.D. 1472-1904.

June 23, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of June 10, 1904, the argument by the attorney for the Cherokee Nation in the matter of the application of Walker Johnson for enrollment as a Cherokee freedman, is herewith enclosed, to be returned to the attorney for the Nation, as it appears that a copy thereof was served upon the applicant, instead of his attorney.

The record in the case shows that Johnson was represented by I. P. Bledsoe, of Choteau, Indian Territory.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

1 inclosure.

Copy.

Refer in reply to
the following:
Land.
47622-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 7, I. T. D., 1472, there is enclosed a report from the Commission, returning argument of the Attorney for the Cherokee Nation, in Cherokee freedman case of Walker Johnson, showing service upon the applicant's attorney, I. P. Bledsoe of Choteau, Indian Territory.

Very respectfully,

CAW-AAC

Acting Commissioner.

Y.P.

D.C. 29891-1904.
I.T.D.1472-1904.
4998-
L.R.S.

WHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. August 17, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 19, 1904, the Acting Commissioner of Indian Affairs submitted the Cherokee freedman case of Walker Johnson, and recommended that your decision adverse to the applicant be not concurred in, and that you be directed to enroll the applicant, as he finds that Johnson was the slave of a citizen of the Cherokee Nation at the commencement of the rebellion and returned to the Nation from Kansas prior to February 11, 1867.

Argument by the attorney for the Nation was received with your letter of July 12, 1904.

You found in your decision of July 12, 1903, that the applicant was not the slave of a Cherokee citizen at the commencement of the rebellion, and that he did not return from Kansas to the Nation prior to January 19, 1867.

The testimony for the applicant, upon whom the burden of proof rests, is somewhat vague and contradictory, both as to the question of slavery and residence prior to February 11, 1867; and is contradicted in material particulars by testimony introduced by the Nation. The Department does not feel justified in

rendering a decision in the case without further opportunity for the applicant and the Nation to introduce more testimony, especially as the Nation asserts, apparently with good reason, that the principal witness for the applicant, Jim Alberty, is "one of the most disreputable freedmen in the Cherokee Nation; . . . . so disreputable that the Commission is thoroughly acquainted with him and can not afford to give any heed to his testimony," etc.

It also appears that Johnson is the husband of a Cherokee citizen, and the question of his right as an intermarried citizen of the Cherokee Nation has not been passed upon by you.

The case is hereby remanded, with directions to allow further testimony to be submitted, and to readjudicate the case.

The testimony and the papers attached thereto, also the argument of the attorney for the Nation, are inclosed.

A copy of Indian Office letter of February 16, 1904, was sent you April 7, 1904.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

2 inclosures.

Cherokee Freedmen

D-356.

Muskogee, Indian Territory, August 25, 1904.

Walker Johnson,

Locust Springs, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman you are advised that the Commission is in receipt of departmental letter of August 17, 1904, remanding the Commission's decision of July 10, 1903, rejecting your said application.

In accordance with instructions contained in the Department's letter, you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 22, 1904, and introduce further testimony in support of your application. For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. S-1.

Chairman.

Cherokee Freedmen

D-356.

Muskogee, Indian Territory, August 25, 1904.

I. P. Bledsoe,

Attorney for Walker Johnson,

Choteau, Indian Territory.

Dear Sir:

In the matter of the application of Walker Johnson for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of departmental letter of August 17, remanding the Commission's decision of July 10, 1903, rejecting this applicant.

In accordance with instructions contained in the Department's letter, the applicant has this day been advised that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 22, 1904, and introduce the testimony of such witnesses as he may be able to procure in support of his application. For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. S-2.

Chairman.

Cherokee Freedmen

D-356.

Muskogee, Indian Territory, August 25, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Walker Johnson for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of departmental letter of August 17, remanding the Commission's decision of July 10, 1903, rejecting this applicant.

In accordance with instructions contained in the Department's letter the applicant has this day been advised that he will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday, September 22, 1904, and introduce the testimony of such witnesses as he may be able to procure in support of his application. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

For your information there is herewith enclosed a copy of the Department's letter above referred to.

Respectfully,

Encl. S-3.

Chairman.

COPY.

Cherokee Freedmen,
D-356.

Muskogee, Indian Territory, October 14, 1904.

Walker Johnson,

Locust Grove, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 21, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

SIGNED. T. B. Needles.
Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen,
D-366.

Muskogee, Indian Territory, October 14, 1904.

I. P. Bledsoe,

Agent for Walker Johnson,

Choteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Walker Johnson as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904.

Said Walker Johnson has this day been notified that he will be permitted to appear on said date and introduce such testimony as he may desire in support of his said application.

Respectfully,

SIGNED T. B. Needles,
Commissioner in Charge.

Register.

COPY.

Muskogee, Indian Territory, December 7, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory at the time indicated, in the following Freedmen cases.

October 15, 1904.

Dennis Vann, et al., Cherokee Freedmen D-641.

November 21, 1904.

Arthur Vann, Cherokee Freedman 40.

nNovember 22, 1904.

Walker Johnson, Cherokee Freedman R-356.

Leah Brewer, Cherokee Freedman R-33.

Dennis Vann, Cherokee Freedman D-641.

November 23, 1904.

Orrena Williams, et al., Cherokee Freedmen R-329 and 328.

George W. Lynch, et al., Cherokee Freedmen D-731.

Frank Harnage, Cherokee Freedman R-178.

Lizzie Sanders, et al., Cherokee Freedmen D-1022.

Respectfully,

Tams Bixby.

Chairman.

Encl. OC-6.

COPY

Muskogee, Indian Territory, December 8, 1904.

Blue & Bulger, Attorneys,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed copies of supplemental testimony in the following Cherokee Freedman cases, taken at Muskogee, Indian Territory at the time indicated.

George W. Lynch, Cherokee Freedman D-731, November 23,1904.

Frank Harnage, Cherokee Freedman R-178, November 23,1904.

Walker Johnson, Cherokee Freedman D-356, November 22,1904.

Dennis Vann, Cherokee Freedman D-641, November 22,1904.

Respectfully,

Tams Bixby.
Chairman.

Encl. 06-2.

Cherokee F.
D-356

Muskogee, Indian Territory, February 12,1907.

I. P. Bledsoe,

Agent for Walker Johnson,

Choteau, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of Walker Johnson as a freedman and as a citizen by intermarriage of the Cherokee Nation. You have heretofore been furnished a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl.I-41
JMH

Commissioner.

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Walker Johnson as a freedman and as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the said application.

On August 17, 1904, (I.T.D. 1472, 4998-1904) this case was remanded to the Commission to the Five Civilized Tribes for further hearing and readjudication.

Respectfully,

Enc I-12 Commissioner.
RPI

Through the Commissioner
of Indian Affairs.

Cherokee F. D.
356

Muskogee, Indian Territory, February 12, 1907.

Walker Johnson,

Locust Grove, Indian Territory.

Dear Sir:

There is enclos d herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting your application for enrollment as a freedman, and as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Inte ior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Enc I-11 Commissioner.

RPI

Register.

Cherokee F. D.
356

Muskogee, Indian Territory, February 12, 1907

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of Walker Johnson as a freedman and as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Enc I-10

Commissioner.

RPI

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Walker Johnson as a freedman and as a citizen by intermarriage of the Cherokee Nation, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting said application.

Respectfully,

Enc I-12

Commissioner.

RPI

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land
16256-1907.

February 28, 1907.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Walker Johnson as a freedman and citizen by intermarriage of the Cherokee Nation, including the decision of Commissioner Bixby, dated February 12, 1907, adverse to the applicant.

The decision of Commissioner Bixby has been examined, is found to be correct, and the Office concurs in the recommendation that Walker Johnson be not enrolled as a Cherokee freedman or as a citizen by intermarriage of the Cherokee Nation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-LC.

DEPARTMENT OF THE INTERIOR, YP
WASHINGTON. W.H.M.

I.T.D.
5384, 5386, 5484, 5546,
5700, 5718, 5764, 5766,
5770, 5774, 5994, 6066,
6068, 6116, 6284, 6480,
6710, 6714, 6716, 6730,
6732, 6736, 6760, 6794,
6800, 6815 6780—1907.

March 2, 1907.

LRS

DIRECT

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
John Thomas,	February 2, 1907.
Ezekial J. Dunagan,	February 2, 1907.
Missouri I. Ross,	February 12, 1907.
William C. Patton,	February 6, 1907.
B. F. Armstrong,	February 19, 1907.
Andrew F. Cowan,	February 19, 1907.
John A. Brown,	February 2, 1907.
John H. Riffert,	February 2, 1907.
Jacob R. Barrow,	February 2, 1907?
Samuel L. Jones, (Johnson)	February 2, 1907.
George W. Craig,	February 15, 1907.
Jane M. Byrd,	February 19, 1907.
Elizabeth R. Rogers,	February 12, 1907.
Elmer Shafer, et al. (freedmen),	February 18, 1907.
John Rogers,	February 19, 1907.

Title of Case.	Date of your Letter of transmittal.
Alley Maymey Dunaway, et al.,	February 21, 1907.
Willie Martin, et al. (freedmen),	February 21, 1907.
John Ellsworth Lambert,	February 21, 1907.
Stephen F. Wade,	February 21, 1907.
Michael H. Edmondson,	February 23, 1907.
James Brown,	February 21, 1907.
Charles H. Bacon,	February 21, 1907.
Benjamin F. Teague,	February 21, 1907.
George W. Scott,	February 21, 1907.
Walker Johnson (freedman),	February 12, 1907.
Elizabeth Lasley,	February 23, 1907.
Charles Lavin,	February 13, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E Wilson

Assistant Secretary.

27 enclosures, and
54 enclosures to Ind. Of.,
with carbon hereof.

A F Mc
~~3-2-07~~

Cherokee F.
D 356.

COPY

Muskogee, Indian Territory, March 12, 1907.

Walker Johnson,

Locust Grove, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Department, March 2, 1907.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

LMC

Cherokee F.
D 356.

COPY

Muskogee, Indian Territory, March 12, 1907.

I. P. Bledsoe,

Attorney for Walker Johnson,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of Walker Johnson, as a Cherokee freedman, was affirmed by the Department, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.C-37
LMC

Cherokee F.
D 356.

COPY

Muskogee, Indian Territory, March 12, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of Walker Johnson, as a Cherokee freedman, was affirmed by the Department, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

Encl.C-38
LMC

NO. F.D 356

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ....., A. D. 190

.....

Subscribed and sworn to before me this

.....

.....
Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of 190

.....
Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the 7th day of May 1902

[illegible]
Agent for Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
~~MAY 1 1902~~
May 5/02 [illegible]
ACTING CHAIRMAN

NOTICE.

In the Matter of the application of Walker Johnson et al
for enrollment as Cherokee citizens:

To Walker Johnson or I. P. Bledsoe Agent,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 9th, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 7th 1902.

W. W. Hastings
T. L. Donnehoo
L. Posey
Attorneys for the Cherokee Nation.

No. F. D. 356.

F. D. 356

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190....

Given under my hand this ....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 11 day of April, 1902

T. O. Blackstone

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

COMMISSION

FILED
APR 15 1902

NOTICE!

IN THE MATTER OF the application of .....
for enrollment as Cherokee Freedmen:

Case No. F. D 356

To H P Rhodes agt or Mallory Johnson

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on April, 17th **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Eleventh day of April, 1902

L B Bell

W. W. Hastings

Jas S Davenport

Attorneys for the Cherokee Nation.

Muskogee Indian Territory, 2/11 1905

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Walker Johnson

F.L.D. 35.6

S. P. Bledsoe

Attorney for Applicant.

Vinita, Indian Territory, 12/12 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Walker Johnson C.F.D. 356,

Taken Nov. 22, 1904.

Attorney for Applicant.

C.7.D. 356.

No. .....

SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the .....

.....

.....

.....

.....

.....

I, ... *do solemnly swear that I am* ..... *years of age, and that on the* ..... *day of* ..... *190*...., *in the* ..... *Nation, Indian Territory, I served the within Subpoena on the within named* .....

.....

by then and there delivering a true copy of the same to said .....

Subscribed and sworn to before me this ..... *day of* ..... *190*....

.....

Department of the Interior,

Commission to the Five Civilized Tribes.

To Johnson, John Price and Stick Ross

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at Muskogee, *in the* Creek *Nation, Indian Territory, on the* 21 *day of* November *190* 4, *to testify before said Commission in the matter of the* application of Walker Johnson for enrollment as a Cherokee Freedman.

Dated at Muskogee, *this* 31st *day of* October *190* 4

(Signed) Tams Bixby.

Commissioner.

D. F.D.356

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this..... day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of.....A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 21 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Walker Johnson for enrollment as a Cherokee Freedman:

Case No. F. D. 356

To Walker Johnson Locust Grove I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory Indian Territory, on the following dates, to-wit: Oct. 22d 23 Oct. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of , 1901.

B. B.

M. Thacker

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Walker Johnson for enrollment as a Cherokee Freedman.

No. F. D. 356

Henry Pack, of lawful age, being duly sworn on oath states that on the 17 day of September, A. D., 1901, he registered to Walker Johnson whose postoffice is Locust Grove Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 20 day of September, 1901, he received the return card which is hereto attached, signed by the said Walker Johnson, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 20 day of Sept A. D. 1901.

J. C. Adams
Notary Public.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of .....

..... for enrollment as a Cherokee Freedman.

No. F. D. .....

Henry Pack, of lawful age, being duly sworn on oath states that on the ..... day of ....., A. D., 1901, he registered to ..... whose postoffice is ..... Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at ..... Indian Territory; and that on the ..... day of ....., 1901, he received the return card which is hereto attached, signed by the said ....., showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the ..... day of ..... A. D. 1901.

.....
Notary Public.

E

7D 356

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 3 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita Oct 3rd 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Walker Johnson for enrollment as Freedmen of the Cherokee Nation.

S P Bledsoe
Atty for Applicant

No. F. D. 356

47517

Indian Office
Incl. No. 2

Department of the Interior,
Washington,
1904
1412

56000

[redacted]

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

Walker Johnson

A[illegible] citizen [illegible] of the Cherokee Nation

Muskogee, I. T., [illegible] 190[illegible]

Respectfully forwarded to the Secretary of the Interior for review.

Acting Chairman

Case D 56

Cher. Fr. R. 868

Trans. from C. Fr. D. 357

Cher. Fr. R. 868

57

4 30357

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 12 1901
ACTING CHAIRMAN

File with C.F. D-357, Altha Moore, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Ned Lyons for the enrollment of himself, his wife and four children as Cherokee Freedmen.

Ned Lyons, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ned Lyons.
Q How old are you? A 31.
Q What is your post-office address? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or nation? A No, sir.
Q Did you ever draw any money from any other tribe or Nation? A No, sir.
Q Who do you want to enroll besides yourself? A My wife and family.
Q How much family? A I have got four children.
Q What is the name of your wife? A Nancy Landrum.
Q How old is she? A She is 20 years old, no, 21.
Q Give me the names of your children please? A Delsie.
Q How old is Delsie? A She is 10 years old.
Q Thenext child? A James Elmer.
Q How oldis he? A He is 4 yearsold.
Q The next child? A Mahaley.
Q How old is Mahaley? A She is 3 years old.
Q The next one? A Katie.
Q How oldis Katie? A She is a little over a year.
Q What is your wife's father's name? A John Landrum.
Q Is he living? A Yes, sir.
Q What is your wife's mother's name? A Mary Landrum.
Q Is she living? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880? A No, sir.
Q Doesthe name of your wife? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A It appears upon the Wallace and Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Ned Lyons not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant Ned Lyons not identified thereon.

The Kerns-Clifton roll examined and the applicant Ned Lyons identified thereon, page 116, No. 2878, no district given.

The Wallace roll examined, and the applicant identified thereon, page 160 No. 42, as Ned Lyons; residence, Cherokee Nation.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Nancy Lyons identified thereon, page 131, No. 1690, Cooweescoowee district, as Nancy Landrum.

Q Is Nancy Landrum the mother of these children? A She is of all but one, and the oldest one's mother is Maria Landrum, of the same family.
Q Is she living? A No, sir, she is dead.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Mariah Landrum found thereon, page 131, No. 1687, Cooweescoowee District.

Q Are John and Mary living, her father and mother? A Yes, sir.
Q Were you married before 1896 to Nancy? A Yes, sir.

The 1896 census roll of Cherokee Freedmen examined, and the applicants identified thereon asfollows:

Nancy Lyons on page 409, No. 298, Cooweescoowee district, as Nancy Landrum.

Delsie Lyons not on 1896 roll.

The Kerns-Clifton roll examined, and the applicant, Delsie Lyons, identified thereon, page 6, No. 151, Cooweescoowee

district, as Delsie Lyons.
Q How long has your wife lived in the Cherokee Nation? A All her days.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q Are these children living? A Yes, sir, all living I gave you in. I have got one dead.
By Edgar Smith, attorney for applicant: Who was your father? A Jeff Ross.
Q Who was your mother? A Mahaley Daniels before she married him.
Q Who owned your father? A Lewis Ross.
Q How old are you? A I am 31 yearsold.
Q Where do you live? A I live in Cooweescoowee district near Hayden post-office.
Q How long have you lived in the Cooweescoowee district? A I have lived there about five or six years.
Q Where did you live before you lived in Cooweescoowee district? A Lived on Grand river near Bowling Ferry, where I was born at.
Q How long have you lived in the Cherokee Nation? A I was born here, don't know nowhere else.
Q Have you any property in the Cherokee Nation? A Yes, sir, I have a couple of farms west of here in Cooweescoowee.
Q How long have you had either one of them; how long since you acquired the first one? A Since 1896; I moved from Grand river in 1896 where I lived with my first wife, I lived n my father's place then.
Q You are on the Kerns-Clifton roll? A Yes, sir.
ByW.W.Hastings, Cherokee attorney: Are youon the Wallace roll? A Yes, sir.

Note opposite name of applicant on Wallace roll: "Though born and raised in Cherokee Nation, no evidence that they are children of Cherokee freedmen."

Q Have you always lived in the Cherokee Nation? A Yes,sir, always lived here.
Q Never lived out? A Never lived out.

----ooo----

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:
Mr.Smith: State your name? A Allen Lynch.
Q Where do you live? A I live here in Vinita now.
Q Do you know Ned Lyons? A Yes, sir.
Q How long have you known him? A I knowed him ever since he was born.
Q Who was his father? A Jeff Lyons.
Q Did you know his in his life time? A Yes sir.
Q Do you know whether he was a Cherok e slave or not; slave of a Cherokee? A Yes, sir.
Q To whom did he belong? A Lewis Ross.
Q Was Lewis Ross a citizen of the Cherokee Nation? A Yes, sir, a citizen.
Q Do you know what became of Ross during the war, whether he left the Cherokee Nation or remained here, Jeff Ross? A Jeff Lyons they calledhim, I don't know.
Q What do you say about Jeff, did he leave or not? A Yes,sir.
Q When did he come back? A He came back just before Christmas in the winter of '66.
Q Did you see him here at that time? A Yes, sir, he lived right in the yard with us.
Q With whom? A With me and Andy Fry and Aaron, four or five families lived there.
Q Are you a citizen of the Cherokee nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Recognized by the Cherokee Nation as a citizen? A Yes,sir.
Q Have you ever had anything to do with this young man Ned Lyons in the Courts of the Cherokee Nation? A Yes, sir.
Q What? A Why, I was appointed as administrator of old man Lyons' estate for these children.
Q You were appointed administrator? A Yes, sir, by Judge Ward.

Q Who was Judge Ward? A Joe Ward.
Q What was he? A He was the judge and he appointed me as administrator over the estate of Jeff Lyons.
Q Of the estate of Jeff Lyons? A Yes, sir.
Q Who was the father of Ned Lyons? A Yes, sir.
Q When was that? A I just can't tell you exactly the year.
Q Did you wind up the estate? A Yes, sir.
Q About how long ago has that been as well as you remember?
Mr.Hastings:Comes now the representatives of the Cherokee Nation and object to ~~the~~ pursuing this line of investigation any further, becaise the record in any Court is certainly the best testimony. I allowed a part of it to be gone into, I didn't have any idea it would be gone into at any length.
Commissioner: There is no doubt but that the record is the best testimony, and the testimony cannot be used without it can be established the records are lost or cannot be procured.
Q In what Court was this: where did Judge Ward keep his Court?
A Delaware district, east of Grand River.
By.Mr.Hastings: Al, you remember everybody that came back in '66
A No, not exactly, no, sir.
Q Your memory is fresh of 35 years ago, know just the exact time all colored people came to your neighborhood? A No, not the exact time, no, sir.
Q You remember all these years that stand out there? A Well, I can tell you why I remember this.
Q Why is it you remember it? A Well,let me tell you; he came here before Christmas in '66, and in January, '67, he went back to Kansas and got a lot of goods for old Bob Daniels, and old Bob Daniels gave him a twenty dollar gold piece, the first I seen since the war, for going after them goods.
Q Where was Bob Daniels keeping his store, where was he? A He was keepinghis family.
Q Where was Bob Daniels living at that time? A At his place, he came down on his place and got Jeff to go back to Kansas for these goods.
Q Where did Bob come from? A Came from Texas.
Q When did Bob come up there from Texas? A He came up there, if I recollect right, some time in January.
Q On what year? A In '67.
Q And during that month, you think it was, that Daniels hired Jeff to go back for a load of goods? A About that time he hired Jeff to go.
Q Do you know what that load of goods consisted of? A Yes,sir, it was bacon and flour and Hungarian seed.
Q Take Bob Daniels team? A Took his own team.
Q Lyons own team? A Yes, sir.
Q Did he have his wife with him when he come to your place in '66?
A Had his wife and left her here and I got wood for her when he was gone.
Q Did he live there the year of '67? A Yes, sir, and raised a crop; he put in his corn in June, '67; he didn't get his corn planted till then.
Q On the old Dr. Thompson place? A Yes, sir.
Q How many of you fellows made a crop there on that place?
A I wasn't makeing a crop there at all.
Q How many others of them fellows? A Andy Fry, Jeff Lyons, Mose Hodrick, Tom Moore, and old uncle Butler McNair.

Q How much was in cultivation on that place? A They cleaned up about five of six acres ~~of~~ a piece.
Q And all of them was making a crop right there?A Yes,sir.
Q And you swear positively Jeff Lyons was there on Christmas of '66? A To my best recollection he came there before Christmas, I don't know positive.
Q You know they were there on Christmas of '66? A They were there before Christmas, or just about Christmas, and he left from

there in January and went back to Kansas.
Q He only made a trip up there and back? A He made tro trips, made one trip for Bob Daniels and one trip for himself.
Q With the exception of short trips up there and back he was down in that country from ~~the~~ Christmas of 1866 on? A Yes, sir, that is the best of my recollection.
Q You are positive about it? A I am telling you the best I can recollect about it.
Q I want to know if you can remember that is the year of '66 or '67? A The ye ar of '67 to my judgment.
Q Was this child born then? A This Ned, no, sir.
Q Did he have any children at all? A Yes, sir, he had a child Elias, that was a baby, and he had one girl there called Anarchy, and he had this Mike Moore, that is his stepson, and this Anarchy was his stepdaughter, and the boy Elias was a baby.
Q When he came there about Christmas? A When he came there, yes, sir.
Q Did he live in the house with you? A I lived in Dr. Thompson's house and he was living in Dr. Thompson's nigger houses.
Q Some small houses around there, log houses? A No, sir, little brick houses.
Q How far was George Clark living from there at the time? A George Clark lived between four and five miles.
Mr. Smith: Have you the letters of administration issued to you by that court? A Yes, sir, I think so, I think I have at home.
Q If you can find them will you bring them here to-morrow?
A Yes, sir.

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Andy Fry, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Andy Fry.
Q How old are you? A 66.
Q Where do you live? A I live southwest of Vinita about 12 miles on the Grand River.
Q Are you a Freedman? A Yes, sir.
Q So recognized by the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A I guess I am, I have never looked but then I guess I am on that roll.
Q How long have you lived in the Cherokee Nation? A All my days until I went to Kansas during the war.
Q Do you know Ned Lyons? A Yes, sir.
Q Do you know his brother, Elias? A Yes, sir.
Q Do you know his sister Rachel Lyons? A Yes, sir.
Q Who was his father? A Jeff Lyons.
Q Who was their mother? A Their mother was; I most forget her name; I know it as well as I know any woman.
Q You don't remember her just now? A I can't remember her name just now, but I know her just as well as anybody.
Q Did you know Jeff Lyons in his life time? A Yes, sir.
Q Where did he live when the war came up? A He lived with ~~xx~~Dr. Ross.
Q Was he a slave of some Cherokee? A Yes, sir.
Q Of who? A He went from Lewis Ross to Dr. Ross and lived with Dr. Ross.
Q Were the Rosses Cherokee citizens? A Yes, sir.
Q Do you know what became of Lyons during the war, whether he went out of the Cherokee Nation or now? A Yes, sir, he went up north.
Q Do you know when he came back? A He came back in '66, the winter of '66.
Q About where did he come to? A He came up on Russell Creek and stopped up there a while and then he came down on Cabin Creek and stayed there a while and he heard of me being over on the other side of the river and he came to the river and hollered over and when I went to the river it was Lyons, a man I had knowed.
Q Was that before or after Christmas, in '66? A It was before Christmas.

Q This boy Ned Lyons, do you know where he was born? A Yes, sir, I know where he was born.
Q Where was he born? A Born there at Dr. Thompson's place.
Q Do you know of your own knowledge where his brother Elias was born? A He was born at Iola, Kansas.
Q Do you know where Rachel was born? A She was born this side of the river, right below Dr. Thompson's place.
Q Was she born before or after the war? A Rachel was born since the war.
Q Was Elias born before or after or during the war? A He was born about during of the war or just about the close of the war.
Q Where have threse three children of Lyons been living sinc e you first knew them? A Well, they lived near the tiver there all the while the old man lived, and one of them moved out west, I think one of them is living over there now, I think maybe a couple of them.
Q In or out of the Cherokee Nation? A No, they have been living in the Cherokee Nation all the time.
By.W.W.Hastings: What place on Russell Creek did Jeff Lyons first come to? A He stayed up there this side of Chetopa.
Q Did he live there a while? A Yes, sir, he stayed up there a while in camps.
Q Who with? A In camps up there by himself, just him and his family.
Q You don't know how far from Chetopa? A No, sir, it was there on Russell Creek somewhere, around there towards that old timbered hill somewhere.
Q You don't know how long he stayed there? A I think he told me he stayed up there about three weeks.
Q And he went from there to Cabin Creek? A Yes, sir, and he was there in camps about three weeks.
Q In tents? A Yes, sir, in tents.
Q Anybody live up on Cabin Creek where he was camping? A Wasn't anybody at all there at the time.
Q Came on down to yourplace then? A Yes, sir.
Q You were on the other side of the river? A Yes, sir.
Q You helped him across? A Yes, sir.
Q Did he make a crop with you the next year, the year of '67?
A Yes, sir.
Q Was Jess Cochran living there that year? A Jess Cochran was living there but he moved out on Cabin Creek.
Q George Clark was living down there? A He was living down on the other side of the river somewhere, but I never seen George Clark till '67.
Q How many colored people made crops on that one place that year?
A There was me and Jeff and Tom Moore and Butler McNair, and Mose Hodrick.
Q Now you know Mose Hodrick didn't come there for two years, don't you? A He came there and made a crop there.
Q That year? A He came and made a crop in '67.
Q They had Jeff cited down at Tahlequah to appear before Bob Daniels Court, didn't they? A I don't know, sir.
Q This sam e Bob Daniels you heard Allen Lynch testifying about?
A Yes, sir.
Q And Bob Daniels was the Chief Justice of that Court down there?
A Yes, sir.
Q In '71? A Yes, sir.
Q And you know Jeff Lyons and his family were cited down there and Jeff did go down there to Tahlequahin '71? A I don't know whether he did or not.
Q I ask you if he went to Tahlequah? A I don't know whether he did or not; I was living on this side of the river.
Mr.Smith: I object to the testimony without the production of the records.
Q Did he go to Tahlequah? A I don't know, sir, I never paid any attention to them Court cases, I was recognized by the Cherokee Nation at that tije and never paid no attention to it.

Q You never paid any attention to '71 but you did to '66? A In '66 I was all right myself and I didn't pay no attention to that myself.
Q You were not a witness at Tahlequah in '71? A No, sir, if I had been called on I would have went , but nobody didn't call on me.
Q Do you know any other Jefferson Lyons among the colored people A No, sir.
Q You are pretty well acquainted among them? A Yes, sir, I am pretty well acquainted among the m.
Q This Bob Daniels that lived out here was the same Bob Daniels a member of that Court, at that time? A Yes, sir.
Mr.Smith: Do you know anything of your own personal knowledge as to whether Jeff Ross' estate was administered on in the Cherokee Courts or not, or Jeff Lyons? A No, sir, I don't know for certain but I heard so, I can't swear it for certain, I heard it was.

----o----

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:
Mr.Smith: What is your name? A Anderson Lynch/
Q How old are you? A About 64 I think as near as I knows.
Q What is your post-office? A Here atVinita.
Q Are you sometimes called Crap or Crep Lynch? A Yes, sir.
Q But that is not right, it is Anderson? A Anderson, yes sir.
Q Do you know Ned Lyons? A Yes, sir.
Q Do you know his sister, Rachel? A Yes, sir.
Q Is her name Rachel Lyons, or is she married? A She was named Rachel Lyons when I knew her, she has married a Landrum.
Q Her name is Rachel Landrum then is it?A (No answer.)
Q Do you know New Lyons brother Elias? A Yes, sir.
Q Did you know their father? A Yes, sir.
Q Who was their father? A Jeff Lyons.
Q Was he a slave during the war? A Yes,sir.
Q Who did he belong to? A He belonged to Lewis Ross when I knew him.
Q Was Lewis Ross a Cherokee and a citizenof the Nation?A Yes,sir.
Q Do you know what became of Jeff Lyons during the war? Whether he stayed in the Cherokee Nation or went out? A He went out, went to Kansas.
Q Do you know whether he ever came back or not? A Yes, sir, I saw him back here.
Q When did you first see him back? A It was in -- it was along in the fall of '66 as well as I can remember about it, it was along in the winter, I don't know just exactly what time it was.
Q Where have these three children, Ned, Elias and Rachel lived? A They lived over there just below the Dr. Thompson place, at a farm over there.
Q In the Cherokee Nation? A Yes, sir.
Q Lived there all their lives? A Yes, sir, as wastold not long ago I heard of some of them going out west.
Q Where did they go when they went west, as far as Grand river? A Oh yes, or maybe a little farther, somewhere out on the creeks.
Q Did they still stay in the Cherokee Nation or did they go out? A Yes, they were in the Cherokee Nation out there.
Q Do you know when Jeff Lyons died? A Yes, sir, I was over there directly after he died, but I don't remember just when.
Q Where did he die? A Right on his place at home.
Q About how many years ago? A I disremember, I never kept track of it.
Q Do you know whether his estate was administred on in the Cherokee Courts or not? A No, sir, I don't know whether it was or not, whether he ever went down there.
Mr.Hastings: Did he die less than 20 years ago, Crap; Jeff Lyons? die less than 20 years ago or more than 20 years ago? A I don't think it has been quite that long.
Q QYou saw him in '66? A Yes, sir,alongin the winter of '66.
Q You don't know one year from another, do you?A Yes, I know.

Q What year is this?A This, I don't know just what, I never kept track of the years, but '66 is all I know.
Q You have just been told it was '66 and you stuck to it? A Well, '66 we were all on trial at that time pretty much, in '66 everybody was making back home.
Q You were all tried here before the Kerns-Clifton Commission, everybody? A Well a good many of them.
Q What year was that in? A You are too hard for it, I never kept track of the years.
Q Fact o f the business is you never kept track of any of them? A Not hardly, never paid much attention to it, went alongon my business.
Q Who told you to say '66 here to-day? A Nobody, but I know that '66 was years ago.
Q How many years ago was it? A I disremember, I didn't kept track of it.
Q You can't count? A No, sir, can't count.
Q And don't know anything about the years of the calender? A Don't know a thing about it.
Q You remember about Jeff Lyons having his case tried down at Tahlequah a few years after the war when Mr. Bob Daniels was on the Court? A I don't know whether he went over there or not.
Q You don't remember about that? A No , sir; seems like to me a lot of them went down there, but I don't know whether he was along there or not.
Q Weren't you over there in the same neighborhood around with him? A I lived on Lynch's Prairie and they lived back on Dr. Thompson's place.
Q Where did you live in the first year after the war; did you make a farm on this Dr. Thompson place? A No sir, no sir; I lived on the old Lynch place, me and Lon Lynch and Stephen Henry rented from Lon Lynch and uncle Bill Buffington, he lived over there by the Mills on Beatty's Prairie, I expect you knew him.
Mr.Smith: When did you come back, or did you go out during the war? A Yes, sir, I went out.
Q When did you come back? A I can't back along in '65, the winter of '65.
Q What was there about '66 that you are talking about all these being on trial, what do you mean by that? A Well, there was everybody that was reading the papers out there that we had all better return home, that we had a show to get home, the warwas ceased and so on.
Q When were you to get home, or did they read anything to you in the papers about that? A Yes, sir, they said we wanted to return home inside of '66.
Q And that is the reason why you remember '66? A Yes, sir.
Mr.Hastings: That is before you came back when you were up in Kansas that they were reading that to you? A Yes, sir, I first got hearing of it in Kansas.
Q You heard them saying that up there, reading it in the papers, telling you to come back? A Yes, sir, that we all got to return home.
Q That was in '66?A No, it wasn't in '66, must have been along in '65 when they were reading it.
Q They were reading it in '65 before you returned, before you had come back in '65?A They just said return back home, the treaty wasn't made then.
Q Then they wasn't reading if it hadn't been made? A They were reading for us to come back home, that the treaty had ceased.
Q If you came back in a certain time? A Yes, sir, a certain time.
Q That was in '65 before you came back here; you came here in '65? A Yes, sir, along in the winter of '65.
Q Have you ever been up before the Courts for anything? A What Courts. QAny ofOthem ever have you arrested? A No sir.
~~Q Are you sure? A [illegible] No, sir.~~
Q Never did? A Yes, I have beenarrested.

Q Ever arrested for anything else? A No, nothing else.
Q Marshals or officers never had you any other time? A No, sir.

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Mr.Hastings: Mr.Smith, I want to offer in evidence this judgment.

Mr.Smith: (reads same) You can offer it, of course I object to it.

Mr.Hastings: The Representatives of the Cherokee Nation offer in testimony from pages 62 to pages 63 of Minutes of Special Court of Commission, Supreme Court, 1871, records of the Cherokee Nation, and on page 62 is found: "Monday morning, June 5,1871. Court met; Chief Justice R.B.Daniels and Associate Redbird Sixkiller present. There being no cases ready for trial, Court adjourned till nine o'clock to-morrow morning. Tuesday morning, June 6,1871." On this date, and on page 63 of the same book, appears the following: "Case of Jefferson Lyons and family. The Court decide from evidence they are debarred the rights of Cherokee citizenship under the Ninth Article of the Cherokee Treaty of July,1866."

Mr.Smith: Counsel for the applicant objects upon the ground that the entry offered is insufficient to show any judgment in any form and for the further reason that the Jefferson Lyons referred to is not in any wayidentified with the Jefferson Lyons who was the father of the applicant, and for the further reason that the applicant is not in any manner shown even by the said entry to have been a party to the proceedings now offered.

Commissioner: I suppose you acknowledge the authenticity of the record.

Mr.Smith: I don't make any question about that.

Commissioner: Ned Lyons applies for the enrollment of himself, his wife Nancy, and four children, Delsie, James E., Mahaley and Katie. He avers that he was married to one Mariah Landrum, now deceased, and that by said marriage he had one child Delsie, and the name of Mariah Landrum is found upon the authenticated roll of 1880, and the name of Delsie is found upon the Kerns-Clifton roll. He avers that after the death of his wife Mariah he marriedone Nancy Landrum, his present wife, and her name as Nancy Landrum is found upon the authenticated roll of 1880 and the census roll of 1896, and she is duly identified thereby. Said Ned Lyons and his wife Nancy and his children as enumerated herein are duly identified and make satisfactory proof of residence, consequently Nancy Lyons, wife of the applicant, and their four children as enumerated herein will be listed for enrollment as Cherokee Freedmen. In order to complete the enrollment of the three younger children, it will be necessary to file with the Commission satisfactory proof of their birth.

Said applicant, Ned Lyons, will be listed as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. When the Commission arrives at a conclusion in his case, he will be notified of the same by mail, His name is found as stated upon the Kerns-Clifton pay roll, as well as upon the Wallace roll, and he is duly identified thereby.

.....

Bruce C.Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Bruce C.Jones.

Sworn to and subscribed before me this the 13th of May,1901.

(signed)T.B.Needles,
Commissioner.

Supplemental Ned Lyons D-251.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 11, 1901.

In the matter of the application of Ned Lyons for enrollment as a Cherokee Freedman.
In the matter of the application of Rachel Landrum for enrollment as a Cherokee Freedman.
In the matter of the application of Elias Lyons for enrollment as a Cherokee Freedmen.

Supplemental Testimony.

Both applicant and the Cherokee Nation present by their attorneys of record.

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith:

Q What is your name? A Allen Lynch.
Q You testified here yesterday in the case of Ned Lyons, did you? A Yes, sir.
Q You spoke of having acted as administrator on the estate of the father of Ned Lyons, who was Jefferson Lyons; I will ask you to look at that paper (hands witness paper.) A I think this is what you want.
Q Look at this paper (hands witness paper.) A I can't read that writing.
Q Where did you get these papers? A I got some of them from Joe Ward.
Q Who was Joe Ward? A He was the Judge.
Q Judge of what? A Judge of Delaware district, District Judge.
Q In the Cherokee Nation? A Yes, sir, certified I think by Tom Buffington when he was Judge, one of them from the Agent.

Mr. Smith: Now if the Court please, I desire to offer Letters of Administration issued on the first day of October, 1888, by J.L. Ward, Judge of the District Court of Delaware District of the Cherokee Nation, letters of administration to Allen Lynch as administrator of the estate of Jeff Lyons.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony because the same is not duly attested, does not bear the attest or the signature of the Clerk of the District, nor does it have his seal.

Commissioner: It will be filed.

Mr. SmithMr Lynch, was the Jeff Lyons whose estate you testified that you administred, related to Ned Lyons in whose case you testified yesterday? A His father.

Mr. Smith: I desire to offer the report of Allen Lynch, as administrator of the estate of Jeff Lyons, which was approved--

Mr. Hastings: The report will show for itself; don't give the contents ~~of~~ in the filing.

Mr. Smith: I just submit it then.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to that purports to be a report, first for the reason that it is not a certified copy of the report; second, that it bears neither attestation or any official seal; third, it is not shown that the witness is the custodian of the official records of the Delaware district; and fourth, it is not shown that the records are lost; and lastly, that the record is the best testimony and this does not purport to be a copy of the record.

Mr. Hastings: I don't see how there can be any excuse for offering that last, because he don't claim to be the custodian of that; and it is just a fly leaf with marking on it.

Mr.Smith: I am not offering all my proof at this time, I will come to that later.

Mr.Hastings: I mean this, and I think that ought not to be allowed filed.

Mr.Smith: I will prove before I get through with it that that report was approved by T.M.Buffington, Judge in the matter of the administration of the estate of the applicant's father, and it is not a certified copy because it is the original and signed by T.M.Buffington.

Mr.Smith: Now I offer an order of Court in the matter of the administration of Ned Lyons, signed by J.L.Ward, District Judge.

Commissioner: Is there any contention that this man here was the administrator?

Mr.Smith: They objected yesterday on the ground that his statement was not the best evidence of the fact.

Mr.Hastings: Comes now the attorneys for the Cherokee Nation and object to the piece of note paper upon which a few letters are written under day of May 7,1889, claimed to be an order of Court, first, for the reason that it is not officially attested, there being no seal attached to the same; second, it is not shown that the records are lost or destroyed, and there has been no attempt to show the same in an official way, and third, it is not shown that this witness is the custodian of the official records.

Mr.Smith: Now I desire to offer a decision of the Indian Agent, Leo E.Bennett,located at Union Agency, dated Muskogee, June 13,1889, in a matter pertaining to the administration of the estate of Jeff Lyons.

Mr.Hastings: Comes now the representatives of the Cherokee Nation and object to the introduction of the testimony for the reason that the letter signed by Leo E.Bennett, United States Indian Agent, has no relevency whatever in the matter in controversy.

Mr. Smith: Do you recollect Mr. Lynch with regard to the report of your expenses which I showed you, as to whether Mr.Buffington signed that; can you state whether he signed it or not, or do you remember? A

Mr.Hastings: Objected to by the representatives of the Cherokee Nation for the reason that the record is the best testimony, and it must be first shown that the record is lost or destroyed before outside testimony will be permitted to prove the same.

Mr.Smith: If the Court pleases, this is the record itself; it hasn't been lost because we have it right here.

Commissioner: Well, he ought not to be custodianof the records.

Mr.Smith: Well, there are a great many things during the administration of the Cherokee Courts that I don't understand.

Commissioner: I suppose the records of the Cherokee Court ought to show the appointment of this man as administrator; they objected to the letters from the fact that they were not duly attested. I don't know whether the Cherokee Nation has been in the habit of attesting letters by seal, by a Clerk with a seal as they do in God's country. Well, let the testimony go in for what it is worth.

Mr.Smith: I would like to prove-- I suppose I might ask if there is any gentleman here who knows Mr. Tom Buffington's signature. (To Mr. Hastings) You will admit this is T.M.Buffington's signature; of course you are both familiar with it.

Mr.Hastings: I think it is; that is his name anyway.

Mr.Hastings: (To Witness): The mother of Ned Lyons and Elias and another sister, who are applicants here, died before 1880, didn't she? A I don't remember whether she did or not .

Q You know she died? A Yes, sir, she died.

Q Jeff Lyons married a citizen a second time, a recognized citizen? A Let me see, I don't remember, but he married the last time to that woman, the mother of these children died.
Q You don't know whether his second wife was a recognized citizen; wasn't she? A Yes, sir, I guess so.
Q Did she die before Jeff did, his second wife? A I forget whether he married any more or not; he was a widower when he died.

****

Bruce C.Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Bruce C.Jones.

Sworn to and subscribed before me this the 14th of May, 1901.

(signed)T.B.Needles,
Commissioner.

SUPPLEMENTAL TESTIMONY.

F.-D.#251.
F.-D.#253.
F.-D.#253.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 20th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ned Lyons, D #251, Elias Lyons D #253, and Rachel Landrum, D #252 as Cherokee Freedmen:

APPEARANCES:
Mr. Smith, of firm of Mellette & Smith, Attorneys for applicants:
Mr. W.W.Hastings, for the Cherokee Nation.

MR. HASTINGS: Comes now the representatives of the Cherokee Nation and offer in testimony a certified copy of the records of the Executive Department of the Cherokee Nation, filed in case of Altha and Oscar Moore, D #357, showing that Jefferson Lyons presented a petition and was granted a license to marry Lou Eza Buffington by R. T. Carey, Clerk of Delaware District on the 12th day of February, 1879.

MR. SMITH: Applicants object to the introduction of that testimony as not tending to prove any issue in this case, and for the further reason that it is not the best testimony.

ALLEN LYNCH, called as a witness on the part of the Cherokee Nation, sworn and examined by Commissioner T.B. Needles, testified as follows:
Q Your name is Allen Lynch? A Yes, sir.
Q Post-office? A Vinita.
Q What district do you live in? A In Delaware.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.
BY W.W.HASTINGS:
Q Did you know Jefferson Lyons during his life time? A Yes, sir.
Q He was the father of Elias? A Yes, sir.
Q Ned? A Yes, sir.
Q And Rachel Landrum? A Yes, sir.
Q Now do you know when the mother of these three children I have just called died? A Well, about, yes, sir.
Q Well, about when? A I don't know whether I could tell you just exactly the time.
Q Well before '79? A (No response.)
Q Who was Jeff Lyons last wife? A You asked me that question before but I forgot; his last wife was Lou Eza Buffington, but I

had forgotten it when you asked me before.
Q And he married her about &79?A Somwehres along about there.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded th testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 21st day of May, 1901.

(signed)T.B.Needles,
Commissioner.

SUPPLEMENTAL TESTIMONY.

F.-D.#251.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of NED LYONS as a Cherokee Freedman.

G.W.CLARK, being called as a witness on the part of the Cherokee Nation and being duly swornby Commissioner T.B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for applicants;
Mr.W.W.Hastings for Cherokee Nation.

BY MR. HASTINGS:
Q What is your name? A G.W.Clark.
Q What is your age? A 59 coming birth-day.
Q Mr. Clark, you lived in the Cherokee Nation before the war, did you? A Yes, sir, all my life.
Q You went out of the Nation did you during the war? A Oh, I was occasionally in Arkansas, on theArkansas line.
Q You were in the army? A Yes, sir, in and out of it.
Q In the Northern Army?A Yes, sir.
Q Where were you mustered out? A Mustered out Fort Gibson.
Q Now, where did you live the first year after the war, 1865?
A I moved on the river; I lived here, my early days I lived at Tahlequah, Tahlequah district.
Q In '65 where did you live? A The latter part of 1865; I went back there after I was married; I was married in Saline District, on Grand river, on the 8th day of June, and I moved up here and located on the west side of grand river.
Q And where did you live in '66? A I made acrop there in '66.
Q Where did you live in '67? A In '67 I moved up the river from there; I moved there in the fall of '65 and left that place in the fall of '66.
Q Did you know a colored man who went by the name of Jeff Lyons or Jeff Ross? A Yes, sir.
Q Did he have a son by the name of Ned? A Yes, sir.
Q And another on e by the name of Elias? A Yes, sir.
Q When did you first see him after the war? A '68.
Q How far did he stay from you?A He stayed about two miles, two or three miles down on the river, about three miles.
Q Did you know him well? A Yes, sir, well acquainted with old Jeff.
Q Did you ever hire him? A Yes, sir, stacked wheat for me for years.
Q You knew when he came back then? A He came back in the spring of '68 , because he stacked wheat for me that year, and he was talk-

inp about coming back.
Q You lived there for years afterwards? A Yes, sir.
Q You knew him well? A Yes, sir.
Q He is dead now I believe isn't he? A Yes, sir.
BY MR. SMITH:
Q About how old is Ned, about, now? A Well, I don't know, he ought to be a young man now, pretty good sized, he was a boy like then.
Q Well how big a boy was he in '68? A Well, they was a small chunk of a boy; I have been to his place near there a many of a time and got him to work.
Q Which is the older Ned or Elias? A I don't know; I don't know as I know Elias.
Q Did he have any girls? A I think he did had.
Q How many? A I disremember, I know he had one; I don't know how many children he did have.
Q Well, can't you remember, you knew the family, how many members there were; can't you remember how many girls and boys there were?
A I think there were four or five children.
Q You think there were more than this three? A Yes, sir.
Q You are not certain about that? A No, sir, I am not certain how many his family got to be.
Q He lived close to you and worked for you ;what is the reason you can't remember about how many he had? A I never mixed up with them; I just come to hire Jeff II never went there and mixed up with tith them; just like you do at my place I never noticed.
Q All you say about this is you can't tell which one is the biggest?
A I don't know whether I could or not.
Q Can't you think which is the oldest Ned or Elias? A No, sir, I don't believe I could, that is long off.
Q Well, you know all about exactly what you did? A Not everything I do.
Q I am going to ask you now about what you do; you keep up with your moves, you know the dates that you made them and all about them afterwards? A No, sir, I don't know ;the exact dates.
Q With regard to your own business; you know about in regard to other people's; you don't remember that far back? A No, sir.
Q It is right hard to remember what other people were doing 35 or 36 years ago? A Yes, sir, it is a pretty long swear anyway; but I remember this old gentleman as much as anything else; me and him trafficed together; he brought a good mule with him down there and I swapped him a cow and kinda swindled him.
Q How much do you think you got away with him on that? A I don't know.
Q Well, now, Judge, if anything you may have heard about Jeff Lyons coming back after the war; you don't know when he came back?
A Yes, sir, I know he come back to the neighborhood and he said.
Q Well, outside of what he said, you don't know when he came back to the Cherokee Nation. A No, sir.
Q You saw him first in 1868? A Yes, sir.
Q You can't say of your own personal knowledge how long Jefferson Lyons had been back in the Cherokee Nation at the time you saw him in '68 can you? A I don't know exactly how to answer that.
Q You know what your personal knowledge is confined to? A Well it is just like you, Mr. Smith, I know when you came to Vinita, if you lived anywhere around Vinita, before that, I don't know.
BY MR. HASTINGS:
Q Now Mr. Clark, I was going to ask you if you were telling the members of his family, while he lived there at his place? A What?
Q You were asked about the members of Jeff Lyons' family while he was living there? A Yes, sir.
Q You remember how many of them were born before they come down there and you remember how many were born afterwards? A No, sir.
Q You don't remember how many he had when he come there?
A No, sir, I don't.

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 26th day of June, 1901.

(signed)T.B.Needles,
Commissioner.

Department of the Interir,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 22, 1901.

By W.W.Hastings, Cherokee Representative:

"In Freedman Doubtful case #357, Alta Moore, I want to file the testimony in the case of Ned Lyons, C.F.D.251"

BY THE COMMISSION: The request ma de by the representative of the Cherokee Nation will be complied with.

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Chas.vonWeise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings and that the foregoing is a true and complete transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before methis the 30th of October, 1901.

(signed)T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before methis November 25, 1901.

T B Needles

Commissioner.

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J.D. 357

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 20th, 1901.

In the matter of the application of Altha Moore for the enrollment of himself and brother OSCAR, as Cherokee Freedmen; said Moore being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Altha Moore.
Q How old are you, Altha? A 17 years old.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware, on this side of the track.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A No, sir.
Q What is your father's name? A Mike Moore.
Q Is he living? A No, sir.
Q What is your mother's name? A Fanny Moore.
Q Is she alive? A Yes, sir.
Q Has she been enrolled? A No, sir.
Q Are you living with her? A Yes, sir.
Q Why hasn't she enrolled? A She is not enrolling as a Cherokee Freedman.
Q Have you always been recognized as a Cherokee Freedman? A Yes, sir.
Q Is your father's name on the roll of 1880? A I don't know whether it is or not.
Q Is your mother's? A My mother's ain't I know.
Q Did you draw any Cherokee money? A Yes, sir, he drawed at the wallace payment, he was dead before the last payment.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the name of applicant's father not found thereon.

Q Anybody here know anything about you? A Al Lynch.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant's father found thereon, page 126 #2654, Mike Moore, Cooweescoowee.

Q Did you get your strip payment money? A No, sir.
Q Your name is not an any of the rolls then, is it?
A Yes, sir, I guess so.
Q Well, what roll? A I don't know whether it is or not.

ALLEN LYNCH, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Allen Lynch.
Q What is your age, Mr. Lynch? A 69 years old.
Q Your post office? A Vinita.
Q Do you know the applicant, Altha Moore? A Yes, sir.
Q What was his father's name? A Mike Moore.
Q Mother's name was Fanny? A His wife's name, Fanny.
Q Was Mike Moore ~~amt~~ brother of Ned Lyons? A Yes, sir.
Q How did it happen that the name of the applicant's father was named Moore and his brother named Lyons? A ~~Mmx~~ Mike's father, Anderson, died before the war; Mike was born before the war, about the time of the war, or during the war; this man Lyons, Jeff; Ross we used to call him, married this widow, and that is how comes this Ned Lyons and these others Moore. Mike and Ned are brothers, but half brothers, by different fathers.
Q They were half brothers? A Yes, sir.
Q You state that the testimony as to the citizenship of Mike Moore would be the same as that in the case of the application of Ned Lyons? A Yes, sir.
Q Mike Moore is now deceased? A Yes, sir.

Q Do you know whether Mike Moore and Fanny Moore were ever married or not? A Yes, sir, they were married and lived together and died.
Q Lived together as man and wife? A Yes, sir.
Q Is Fanny Moore, the mother of the two children, a citizen?
A No, sir.

(It develops that the applicant has a twin brother present, who is included in this application.)

Q What is that boy's (indicating) name? A Oscar.
Q Oscar Moore and Altha Moore are the same age? A Yes, sir.
Q Are both the children of Mike Moore and Fanny Moore?
A Yes, sir.

ALTHA MOORE, the Applicant, re-called:

Q Where were you born? A Grand river.
Q Cherokee Nation? A Yes, sir.
Q Your brother Oscar born there too was he? A Yes, sir/
Q About the same time? A Yes, sir, I guess might have been a little difference.
Q Have you and your brother Oscar always lived in the Cherokee Nation? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your step-father's name? A Brice.
Q Brice what? A Houston Brice.
Q Did you know Jeff Lyons or Jeff Ross? A Wasn't born then.
Q He died before you were born? A Yes, sir; I never saw him.
Q Well was he any relation to you? A I guess he was.

ALLEN LYNCH, re-called, further testified:

By COM'R NEEDLES:

Q Was Mike Moore a slave? A Yes, sir.
Q To whom did he belong? A Bob Daniel.
Q Was he taken out of the Cherokee Nation during the war?
A Yes, sir, he was small.
Q Where was he taken to? A Kansas.
Q Did he return at the same time his brother, Ned Lyons, did?
A It was Elias, Ned was born down here.
Q Mike was older than Ned Lyons? A Yes, sir.
Q When did Mike Moore return to the Cherokee Nation? A He come down with Jeff Lyons in '66, his step-father.
Q Was Mike Moore a minor when he was taken out of the Cherokee Nation? A His mother was alive.
Q But Mike Moore?himself? A Yes, sir.
Q Mike was taken out of the Cherokee Nation? A Yes, sir.
Q How old was he? A He must have been four or five years old, I could not tell you exactly, three or four, four or five years old.
Q Was his father taken out? A Yes, sir.
Q He was taken with his father? A No; his father if I don't make a mistake, his father went before he did.
Q What was Mike Moore's father's name? A Anderson, he belonged to old man Taylor; he never did come back to this country; I never did see him since the war.
Q Who brought Mike back? A Old man Jeff Lyons, we called him Jeff Ross, but he changed his name.
Q But of your own knowledge he brought him back in '66?
A Yes, sir.

BY W. W. HASTINGS:

Q Who come back with Jeff Lyons? A I don't know just exactly who come back with him, I don't remember.
Q Do you remember what time of the year he come back? A He come back before Christmas in '66.
Q Did he bring any with him? A His family.
Q Of whom did his family consist? A Aniky and Mike and that Elias was a baby and then another one I forget just who it was.
Q You testified in the Ned Lyons case that this same Jeff Lyons

went back in January, '67, and got a load of goods for Bob Daniels?
A Yes, sir.
Q That is the same man? A Yes, sir.
Q He was Michael Moore's step-father? A Yes, sir.
Q He is known as both Jeff Lyons and Jeff Ross? A Yes, sir.
Q Jeff Lyson was not a recognized citizen of the Cherokee Nation?
A No, sir.
Q Jeff Lyons though was a slave of a Cherokee prior to the war?
A Yes, sir.
Q You claim that these boys' father came back ~~in the fk~~ when Jeff Lyons came? Yes, sir, I know it was.
Q You swear positively that was in 1866? A Yes, sir.
Q Jeff Lyons went to Tahlequah in 1871 before the Bob Daniels Court and he was rejected at thatti me? A I don't know about that.
Q You know he went down there? A No, sir, I didn't know either.
Q He lived up in this same neighborhood ~~xxx did~~ with you?
A You see I was up at Aaron Thompson's, I was not there when they all went to see about it.
Q You remember knowing that he went down there? A I remember the time, but whether he went I don't know.
Q You never heard him say what became of his citizenship?
A No, sir, I didn't ask him.
Q To what point did he come when he returned in 1866?
A well my first knowing of him he come o ver there to Thompson's Ferry, that is the Thompson Ford and come from the Brick, Doctor Thompson place.
Q And was over there when you saw him, with his family?
A Yes, sir.
Q Did he and his family live there? A Yes, sir, right there.
Q what year? A That whole year, yes, sir; I don't think they moved away until the next fall. I don't know just exactly, they raised a crop there in '67.
Q ~~[illegible]~~
Q On that Doctor Thompson place? A Yes, sir.

W. W. HASTINGS: Comes now the representatives of the Cherokee Nation and offer in testimony a part of the record found on page 63 of the minutes of the special Court of Commission, Supreme Court, 1871, of the Cherokee Nation, the same being taken from the proceedings of the Court had on Tuesday June 6th, 1871, as follows:

"Case of Jefferson Lyons and family; the Court decides upon evidence they are debarred of rights of Cherokee citizenship under the 9th Article of the Treaty of July, 1866."

The Representatives also desire to introduce a certified copy of the records of the Executive Office showing that license was granted upon petition to Jefferson Lyons to marry Lou Eza Buffington by R. T. Carey, Clerk of Delaware District, the 12th day of February, 1879.

Com'r Needles: Reference is made to the testimony taken in the matter of the application of enrollment of Ned Lyons, D. Card #251. The record in said case will be made part of the record in the case now under consideration, and a copy of the same will be filed.

COM'R NEEDLES:--Altha and Oscar Moore, each 17 years of age, apply for the enrollment of themselves as Cherokee Freedmen. Their names are not found upon any roll of the Cherokee Nation in the possession of this Commission. They averm that their father was Mike Moore and mother Fanny Moore. They make satisfactory proof of the marriage of Mike Moore to Fanny Moore, and that they are the lineal descendants. The name of Mike Moore is identified upon the Wallace roll, but not upon any other roll of the Cherokee Nation.

Altha Moore, et al.--4.

By reason of the fact that the father and mother's names are not upon the authenticated roll of 1880, they will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card for the further consideration of the Commission.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correcrly recoreded the testimony and proceedings in this case, and that the firegiubg us a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of May, 1901.

Commissioner.

(COPY)

To be filed with Nos. R-36, D-1328
D-251, D-252, D-253 and D-357.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE? INDIAN TERRITORY, FEBRUARY 5, 1902

SUPPLEMENTAL TESTIMONY on behalf of the Cherokee Nation in the matter of the application of MOSES HARDRICK for enrollment as a Cherokee Freedman. D-314.

APPEARANCES:
Louis T. Brown for applicant:
W. W. Hastings for Cherokee Nation.

NELSON MOORE, being sworn and examined, testified as follows:

BY HASTINGS:

Q What is your name? A Nelson Moore.
Q Are you a colored citizen of the Cherokee Nation? A Yes,sir
Q Your name on the 1880 roll? A Yes,sir
Q What is your age? A Forty-eight.
Q Where do you live? A In Delaware district.
Q What is your post office? A Ketchum
Q Who did you belong to before the war? A Elowie Butler and Darkey Butler, that was his wife, full-bloods.
Q Did you go out of here during the war? A Yes sir
Q When did you come back Nelse? A Fall of '65.
Q Where did you come to? A To the first place we come to the old Doctor Thompson, Johnson Thompson place, and then from there to the Bob Daniels place.
Q Now when did you move to the Bob Daniels place? A Right that same fall, to the Bob Daniels place
Q In the fall of '65? A Fall of '65.
Q Where did you live in the year of '66? A We lived on the same place, Bob Daniels place
Q How long did you live there? A We stayed there until the winter of '67 .
Q You know a colored man that used to live in that neighborhood by the name of Mose Hardrick? A Yes,sir.
Q Did you see Mose Hardrick in the year of '65 ? A No,sir
Q Did you see him in the year of '66? A No,sir.
Q When, if you know, did Mose Hardrick return to the Cherokee Nation after the war? A Well the first time I saw him was in the spring of '67.
Q About what time in the spring? A Well it was along about April or May, as well as I can remember
Q You know where he come from? A Well he said he come from Kansas. I don't know just what part.
Q You know who he came with? A Yes,sir.
Q Well tell us? A Andy Frye and Uncle Tobe Sohrimsher and old uncle Peter Williams and Mack Bene, he is dead now though.
Q Had Andy Frye been down here before? A No sir, not that I know of, no sir.
Q You never saw him there until in the spring of '67?
A Spring of '67 is the first time I ever saw him.

BY BROWN:
Q Mr. Moore, you know Millie Frye? A Yes,sir.
Q Do you know when Millie Frye and Andy Frye married? A No, sir I don't.

Q About when? A I don't know at all. I couldn't tell you.
Q Were they married when war came up? A I couldn't tell you that, I never saw them until they come there.
Q You never knew her until after the war? A Not until she moved there in the fall of '65 or '66.
Q Well now you say Andy Frye returned in '67? A '66.
Q You said '67 awhile ago? A '66, if I said '67 it is a mistake.
Q '66 is when they returned; you say Mose Hardrick returned with him? A No,sir, he didn't come with Andy
Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schrimsher returned to the Cherokee nation with Mose Hardrick? A No,sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.
Q Andy is on the 1880 roll? A Yes,sir
Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.
Q About how many weeks was that after Andy come until Mose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.
Q Well about how many weeks would you think? A I don't know.
Q How many months? A Oh it would be to the best of my recollection it would be about 3 or 4 or 5 or 6 months, I wouldn't say positively because I don't know exactly.
Q How did you fix the month in which Mose Hardrick returned to the Cherokee nation? A How did I fix it?
Q Yes,sir A I don't understand what you mean by that.
Q You said he returned in about April or May? A I said as well as I remember it was April or May; it was after grass was up.
Q You remember the grass being up? A Yes,sir
Q How does the fact that the grass was up connect with in your mind with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle Reuben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
Q To a census taker? A Yes,sir, to a census taker; that was in '67,QWhat month was that ? A That was about June or July as well as I remember.
Q They took a census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did
Q Who returned to the Cherokee nation with Mose Hardrick?
A Old man Jeff and my uncle.
Q What is his name? A Tom Moore , and Uncle Butler McNair as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place.
Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes,sir.
Q Is he the Thomas H. Moore that lived up there now? A No, that is my brother.
Q The Thomas H. Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.
Q Were you a witness in this case before the Kern -Clifton Commission? A No,sir
Q Were you a witness in this case before John T. Wallace when the Wallace Roll was made? A No,sir
Q You knew the same folks then that you know now didn't you?
A Yes,sir
Q In what year was the Wallace payment? A Wallace payment, it seems to me like it was in, I declare that's kinder slipped my mind , it was '94 though I think; I forget just what year that was
Q Your best judgment is it was '94? A I don't say positively
Q How old is your oldest child Mr. Moore? A How old is my oldest child; my oldest child is about 28 years old I think.
Q In what year was it born? A What year was she born?

Q Yes,sir? A Born in '73 or '4
Q About 26 years old now? A I think she is; she aint quite 26; she will be 26 her birthday.
Q You don't know much about dates do you Mr. Moore? A I dont know just to come down to dates; of course I have to kind of think over the time a little but I never keep no dates.
Q After you think you don't know much more about it then do you?
Mr. HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and nonsensical.
BY COMMISSION : Objection is sustained.
BY HASTINGS:

Q Now Nelse, in answer to a question awhile ago from me you stated that Andy Frye come down with Mose Hardrick in the spring of '67? Did you intend to say that? A No, sir, I didn't intend to say it, Andy Frye and uncle Tobe Schrimsher and uncle Peter Williams and them come down in the spring of '66, but Mose Hardrick didn't come with them; I didn't intend to say that, because I know that wasn't so.
Q Who did you intend to say Mose Hardrick come with? A Uncle Tom and Uncle Butler and Uncle Jeff Lyons.
BY BROWN:
Q You testified in the Ned Lyons case didn't you? A Ned Lyons?
Q Yes,sir, you know Ned Lyons? A I know him, but I never did testify in it.
Q Didn't you testify in his case in which you testified to the return of old man Lyons? A No I didn't.
Q You swear that positively? A Yes, sir, if I did I don't know when it was.
Q Why did you mention the time that Andy Frye and Peter Williams returned to the Cherokee Nation? A I was asked about that.
Q By whom? A Didn't you ask me that?
Q In your direct examination, when Mr Hastings asked you who returned to the Cherokee Nation, with Mose Hardrick, why did you mention the name of Andy Frye and Peter Williams? A Because he asked me when did he come.
Q Why did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question.
Q That's why you stated it? A Time they come.
Q That's the time they come; all right, that's all.
BY. MR. HASTINGS:
Cherokee Nation offers in evidence a part of the record from a docket of the doubtful cases of citizens tried in the Cherokee Nation in 1871, which shows the following:
" Mose Hardrick and family, too late, decided against defendant June 6, 1871 ."
The same being taken from a page at the top of which appears the following:
"Delaware,
Colored Doubtful Roll"
Said book being labeled,
"Docket of Doubtful Cases, Cherokee Citizenship , tried in 1871."
On the fly leaf of said book appears the following,
"Docket of applicants Cherokee Citizenship,1871,
Honorable Chief Justice A. R. Daniel, W. H. Turner, Clerk."
BY BROWN.
Objected to , for the reason that the page upon which it occurs has the head line"Doubtful roll of Colored People" and for the further reason that it is incompetent and for the further reason that the Cherokee Nation has not shown that the applicant was present at the sitting.
BY COMMISSION: Objection will be duly noted.
BY HASTINGS:
The Cherokee Nation offers in evidence the following

from page 35 of Records of the Cherokee Nation entitled
"Docket of the Chambers Commission on Citizenship:"
"Moses Hardrick appl'd 3rd Jany. '78; set for 10 July continued, 24 July."
A marginal note in red ink at the side of this entry is as follows:
"Decree adverse to claimant."
BY. BROWN: This is objected to on the grounds that while this record shows that the case was set for the 10th of July and continued until the 24th of July, it does not show that this application was ever heard; and for the further reason that the Cherokee Nation has not proven that the appliant Moses Hardrick in this case ever applied to the Cherokee Court for admission to citizenship.
BY COMMISSION: Objection will be duly noted.
BY HASTINGS: I reckon there is no ~~admission~~ contention, that these records are part of the records of the Cherokee Nation.
BY BROWN: Oh no.

BY COMMISSION: This testimony will be filed and made a part of the record in the case at bar, and the following Freedmen Doubtful cases: 201, 351, 272, 320, 321 and 192.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this February 6th, 1902.

(Signed) T. B. Needles
Commissioner.

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 15 day of October, 1904.

Charles H. Lawyer
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 24, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of THOMAS MAYFIELD, ET AL., as Cherokee freedmen.

APPEARANCES:
per Applicants, Starr & Patten.
For Cherokee Nation, J. S. Davenport and L. B. Bell.

By Mr. Davenport:

The representatives of the Cherokee Nation desire to introduce the entry in the book of assessment for 1868, which refers to Warren Adams, and ask that it be read and copied in the record, so that the book may be returned.

By Mr. Patten:

Attorneys for applicant object to this, upon the same ground as previously stated in the other objections in the same record.

On behalf of Commissioner:

The request of the attorneys for the Nation will be granted and the evidence considered for what it is worth.

Pursuant to the above, the following was read into the record from the book above referred to:

No. of Statement.	Name	No. of Horses	Value	No. of Cattle.
5	Adams, Warren	3	60	1

Value	No. of Hogs	Average value of all	Average Per. Property.
12	1 Value 3	--------	17

Total	Deduct Constitutional exemption	Remarks.
92	200	(Ditto) "Country"

Q Has that entry been changed, Mr. Ernest, since you turned it in to the Country Clerk? A No, sir.
Q I wish you would examine the book which you have before you, and see if you find any assessment in 1868 of Nathan Duffin? A Yes, sir.

Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he made the above and foregoing copy, and that the above and foregoing is an excerpt copy of the record of proceedings had on May 24 and 25, 1906, in the matter of the application for the enrollment, as Cherokee freedmen, of Thomas Mayfield, et al., and that the same is a true and correct copy of that part of the original record of proceedings.

Geo H Lessley

Subscribed and sworn to before me this 1st day of September, 1906.

Chas E Webster
Notary Public.

Cherokee Freedmen R 574-536-543-
557-599-631-579.
Cherokee Freedmen R 36-D 87-1328-
251-252-253-357-731.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 21, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the consolidated applications for the enrollment of MOSES HARDRICK, ET AL., F R 574 et al., and GEORGE IRONS, ET AL., F R 36 et al.

APPEARANCES:
For Applicants, Starr & Patten.
For Cherokee Nation, W. W. Hastings and J.S. Davenport.

The records of this office show that on April 5, 1906, the Cherokee Freedmen enrollment cases of Moses Hardrick, et al., were remanded to this office for rehearing and readjudication; that on May 11, 1906, the Cherokee Freedmen enrollment cases of George Irons, et al., were remanded to this office for rehearing and readjudication; that on May 24, 1906, the applicants, their attorneys, and the Attorneys for the Cherokee Nation were notified that these cases would be set for hearing on this date at which time the following proceedings were had, which proceedings are made a part of the record in each of the above cases.

Testimony taken on behalf of applicants.

J. H. WALTERS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A. J. H. Walters.
Q Where do you live? A At Iola, Kansas.
Q How long have you lived there? A Since the 19th of July, 1861.
Q What is your age? A 62 the 5th day of last March.
Q Were you a soldier in the Civil War? A I was.
Q When were you mustered out of service? A The 19th of September, 1865.
Q Where were you living in the year 1866? A I was living one mile north of Iola.
Q Were you acquainted with a colored man in that neighborhood by the name of Mose Hardrick? A Yes sir, I was.
Q Where did he live at that time? A The time that I knew him he lived one mile due west of where I lived on the bank of the Neosho River.
Q Did he ever work for you or anything that would make you better acquainted with him? A Yes sir, he cut some 50 or 60 cord of cord wood for me in the early part of 1866.
Q When was the last time that you remember of seeing him in that neighborhood up there? A I don't have any recollection of him after that, probably in March.
Q Do you know whether or not it was a general presumption in the neighborhood that he had left?

Mr. Hastings: Objected to as being clearly inadmissable because this witness can only testify of his own personal knowledge.

On behalf of the Commissioner: The objection will be noted .

A No I cannot say that I heard that he had left there. I didn't see him and that is all I know about it.
Q Didn't see him after that time? A No sir.
Q Have you lived in that neighborhood ever since? A Yes sir.
Q Have you seen him in that community since? A No sir, not until I met him here today.
Q Do you know of there being a house built in that neighborhood known as the Dan Horville house a good many years ago? A Yes sir.
Q Do you remember when that house was built? A In the spring of 1866. It was about a half mile from my residence and I quaried the rock for the foundation and cellar.

BY MR. HASTINGS:
Q Now this has been 40 years ago and all you want to be understood testifying about is that after this man cut wood for you that you don't know what become of him after you think you saw him about March 1866? A I lost sight of him.
Q Never made any inquiry and had no occasion? A No sir.
Q And don't know what become of him? A Nos ir.
Q Now there were a great number of people that you perhaps knew 40 years ago that you don't know what become of them. Some went to one place and some others, and others may have remained there? A Yes sir, I think that might have been the case.

W I T N E S S E X C U S E D .

FELIX LORANCE, being furst duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Felix Lorance.
Q Where do you live? A I live in Elk County, Kansas.
Q How old are you?? A I am 58 years old last 31st day of April.
Q Were you ever in the army? A Nos ir, I wasn't in the army.
Q Where were you living in the year 1865? A Well in the spring of 1865 I was at my father's farm in Allen County, Kansas, in the spring, and I left there. Up until that time I had lived with my father on that farm from 1857 until then. Then in the spring of 1865 I left and I went on the second day of April, 1865, I was sworn into the army, but failed to be mustered in. Then I taken a team and went on the plains and drove a six mule team in the spring of 1865. I stayed there until June, 1866, when I come back to my father's place.
Q Did you know about that time a colored man by the name of Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons? A I knew a darkey called Jeff ,for instance we called a negro named Jeff, we called him "Nigger Jeff."
Q Did you know one named "Nigger Butler?" A yes sir.
Q And one named "Nigger Tom" or Tom Moore? A I knew Tom, but not his other name.
Q Do you remember where Moses Hardrick lived in the year 1866? A Yes sir, he lived on my father's farm, northwest corner of my father's farm in Allen County, that is up until the latter part of the year, he left there in the fall of 1866.
Q Is this Mose Hardrick the same as the applicant in this case?
A This man right here.

Q You could identify him could you? A After I looked at him awhile when he was there he wasn't lame or crippled up.
Q Were you acquainted with him at that time? A Yes sir, he worked there on my father's farm, I think it was in the latter part of 1862 he come there, and '62, '63, '64, and up until the spring of '65 he worked there with me a good part of the time. I would say pretty near half of the time he worked for my father.
Q Did he work there in the fall of 1866? A The first part of it.
Q Where did Jeff Lyons live? A I don't know.
Q Do you remember how long Mose Hardrick remained up there in that neighborhood? A He come there if I am not mistaken in the latter part of 1862 and left in the fall of 1866. That is he was there when I went on the plains and was there in the same cabin when I come back and he left in the fall of 1866.
Q During that time where did he live, what kind of a house? A A log house a biggest part of the time.
Q What did he live in the rest of the time? A In a tent or wagon sheet, made for a tent, the first part.
Q Do you know about the time that he left that neighborhood in Kansas? A Yes sir, it was in the fall. It was in the fall, from October up, until sometime, it might have been as late as November.
Q In what year was it? A 1866.
Q Do you know when he left that neighborhood in Kansas, whether he took his effects with him? A Took all he had, didn't leave anything there on the farm.
Q Do you know where he lived after, or where he started to? A He said he was going to the Nation, I never followed him to see, and that is the way he talked all the time to us.
Q Do you remember when Dan Horville's house was built? A WellI was there but I don't remember any thing about the dates at all. I didn't work on it any when it was built.
Q You remember what year it was built? A No sir, I couldn't tell you. I was right close there, but I don't remember when it was built.
Q Did you ever see Hardrick in that neighborhood up there after the time you say he left? A No sir.
Q Have you lived in that immediate vicinity ever since? A No sir, I lived in Elk County.
Q How long did you continue to live there after that time? A I left there the 18th day of February, I taken a claim in Elk County and probably the first part of February I left there in 1868.
Q How do you fix that it was in 1866 that they left up there, rather than 1865 or '64? A Well now my brothers come home out of the army in the spring of 1865, after they come home then I went and I made an effort to get in the army, I was sworn in on about the first or second day of April, and I failed to get in, and then I went on the plains and I stayed out west until June, 1866. The spring after my brothers come home out of the war I went in to be a brave bad soldier and I tried to get in.
Q When did you return? A June, 1866.
Q Was it that same year or different years these parties le ft?
A That same year.
Q Was that the way you remember it? A Yes sir, that is the way. When I come back he left, I farmed the place he left, I farmed it in 1867 and he farmed it in 1866. He put it in corn in 1866 and the next year I farmed that ground.
Q The following year you farmed that ground? A Yes sir.
Q When was that? A 1867.

BY MR. HASTINGS:

Q When were you married? A The first time in 1870.

Q You were not married then? A Nosir, I was just 18 years old. I was born in 1848.

Q All you know is that you never saw that fellow after the fall of 1866? A No sir, I never saw him and never heard tell of him until this case. He said he was coming to the Nation and live.

Q You mentioned a man named Jeff and Butler and "Nigger Tom?" A Yes sir.

Q Did they leave and come with him? A I never saw them afterwards.

Q I asked did they leave? A I don't know, there was a bunch left at the same time, Mose left.

Q You didn't have any knowledge about Jeff, you don't know where he lived? A No sir.

Q Are you prepared to say he come off with Mose? A I don,t know, there was a bunch left there.

Q Are you prepared to say where Butler lived? A No sir, I don't know whether he lived with Mose or not.

Q How about this man Tom? A I don, t know anything about him.

Q Did you ever see either of these after Mose left? A No sir.

Q Are you certain of that? A Pretty so, I never saw one that I remember of.

Q Have you ever had occasion to have your memory refreshed of these affairs for these 40 years? A Not until this come up.

Q Who directed your attention to it? A I don,t know what the man's name was, he was a dark complexed, heavy set man. I forget his name, he told me but I forget it.

Q How long ago was it ? A A couple of months, I expect since I saw him.

Q Did you know Moses' wife's name? A I think her name was Patience.

Q Did he have any children up there? A 3 or 4 there, little bit of fellows. Big enough to run around like that.

Q Do you know how old the oldest one was when he left? A I don't know, I would not be positive but there was 3 or 4.

Q Do you know of the youngest one? A Nosir.

Q Do you know whether they were boys or girls? A I don't know that, he had a small family there. He lived in their own house and we lived in ours.

Q You never made any record of the date they left? A Nothing only memory from the time I come off of the plains.

Q You don,t know of him coming to the Cherokee Nation? A Never saw him from the time he left there.

Q You don't know whether he come on this side or not? A He might have went to St. Louis and might have not for all I know, he left father's place. I have never seen him until here.

Q Did Mose ever live on that Eastwood place west of the Neosho River? A I don't remember.

Q Did he ever live on that Howville place? A I don't think he did, but I don,t remember.

Q Did you ever see this fellow Jeff's wife? A I don't think I did, if I did I don,t remember her.

Q Did he have any children? A I don't know whether he did or not

Q Did you ever see Butler McNair's wife? A I don't think I did.

Q Did he have any children? A I don't know.

Q Did you ever see Tom's wife? A I don't think I did, if I did I don't remember it.

Q When were you told what Mose's wife name was? A No sir, she used to be my mother's wash woman, and they called her Patience andus kids would kind of make a little game of it.

Q If she did your washing you don't remember the children's names?

A No sir.

Q You don't know how many there were? A No sir.
Q Do you know whether they were boys or girls? A I think the older ones were boys but I am not positive.
Q How long did your father live, is he dead now? A He has been dead about 20 years.
Q Was he living in 1872? A Yes sir.
Q In 1876? A Yes sir.
Q Who was living on your father's place in 1872? A He was there.
Q Your father? A Yes sir.
Q Did they have any tenants on the place that year? A I don't think they did. I don't remember whether they had any. I wasn't at home in 1872.
Q Did you ever go back there at all? A I come back to see father occasionally but didn't pay any attention to the tenants. I had a brother-in-law that stayed there some.
Q You don't know who was there,--what of those years between them or who attended your father's farm? A I don't remember, some years there were tenants there but I don't remember.
Q Did you have a farm during those years, 1872 to 1876? A Yes sir, I had one all the time from 1868.
Q Who cultivated your farm? A I did myself, and sometimes had hired men.
Q Who worked for you at that time? A I don't remember.
Q It is mighty hard to remember those things? A yes, unless you have got something to go by.
Q You would not undertake to remember it? A No sir. I don't suppose I would remember Mose unless it was by my brothers coming out of the army and my going on the plains. And.coming back.
Q Suppose he says he come in the spring, would he know any more about it than you? A My recollection is he came after the corn was shocked up.
Q If he came in the spring, it was 1866, because you know he was there in the fall of 1866? A Yes sir.
Q You don,t know when he got here? A No sir, I don't know whether he ever got here until this time.

W I T N E S S E X C U S E D .

JAMES L. CHRISTY, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A James L. Christy.
Q Where do you live? A In Allen County, Kansas.
Q Is that near Iola? A yes sir, I lived 11 1/4 miles northwest of Iola.Now.
Q Were you enlisted as a soldier during the Civil War? A yes sir.
Q When were you mustered out? A August 16, 1864.
Q Where were you living in 1866? A Two miles north of Iola.
Q At that time were you or were you not well acquainted in that neighborhood? A Yes sir, I think I knew everything in the County.
Q Did you at that time ever know a colored man named Mose Hardrick? A Yes sir.
Q Did you ever know a colored man named Jeff Lyons? A Yes sir.
Q Did you know Butler McNair? A yes sir.
Q Tom Moore? A Ye s sir.
Q Do you know where these people that I have just mentioned were living in the year 1866? A If I remember right Butler McNair was living on the south side of Deer Creek about three miles and a half I judge north and a little east of Iola on a widow woman's place named Pace.
Q Where was Mose Hardrick living? A On a man's place named Lorance.

Q How far was that from where you lived? A About a mile and a half.
Q Did you see these people frequently? A Yes sir, with them every week.
Q Do you know how lo ng Mose Hardrick continued to remain in that community? A Why I don't know the exact date he left there, I got acquainted with Mose in 1865.
Q How did you get acquainted with him in 1865? A He worked some for my father, I was at home living with my father and my father hired a good deal of help, had quite a farm there and Mose Hardrick would work for him, sometimes I think all three of these colored fellows, but Jeff Lyons, and in thrashing they would help thrash, and I got acquainted with them that way.
Q When did they leave that comminity up there? A To the best of my knowledge sometime in October.
Q What year? A 1866.
Q Do you know where they started when they left there? A It was my understanding they were coming to the Nation.
Q Did they take their effects with them when they left, moved completely out? A I don,t know, I know they riged up in wagons, and whether they took all I don't know.
Q Did you continue to live in that community for a considerable length of time after that? A Yes sir.
Q How long did you live in that community continuously after that?
A I guess I lived right there for 10 years.
Q Did you ever see these people after that time you say they left?
A No sir, I never did.
Q What time of the year do you think it was they left? A I think it was along sometime in October, I don't know just what time, but it was sometime in the early fall of 1866.
Q Did you ever see them there after that time? A No sir.
Q How do you place it or remember that it was in 1866 rather than 1865 or '67? A Well a man by the name of Cornell ran a thrashing machine a good bit in our settlement and the neighbors would help one another, and I had some wheat in that year myself on my father's place, the first year I put out any wheat, and come with the thrashing machine we wanted Mose Hardrick and some of these colored fellows to help us thrash and they said they couldn't do it because they were fixing to move, and that was sometime the last of September or first of October.
Q Did they say where they were going? A My understanding was to the Nation.

BY MR. HASTINGS:
Q You think that was in October? A Yes sir, and there was another circumstance made me tell that. In that winter before, January and February, 1866, I hunted a good deal and I killed 13 deer and I took the hides off and put them away and kept them trying to get somebody to tan them and Tom Moore was at my house one day and saw these skins and said he would tan them for me.
Q Was that in January or February, 1866? A No sir, it was in August.
Q Why couldn't that have been in August, 1867? A because I wasn't right at that place in August 1867.
Q Where were you in August, 1867? A I was about a mile east of there. I got married in 1867 and I moved east of there.
Q What time in 1867 did you get married? A November, 1867.
Q Then you were not married in August, 1867? A No sir.
Q And you were not married in October, 1867? A No sir.
Q Were you on your father's place? A I was on my father's place part of the time.
Q How old did you say you were? A I didn't state but I will be 66 the 12th day of July

Q You lived at your father's place after the war up until you were married in November, 1866? A That was my home, I wasn't there all the time.
Q That was your head-quarters? A Yes sir.
Q Now you of course don't know where these parties went? A No sir.
Q You never saw them any more until you saw them down here? A Never seen them until I saw Mose Hardrick here today.
Q I believe you have mentioned Jeff Lyons, Butler McNair and Tom Moore in connection with Mose Hardrick? A Yes sir.
Q You state they all left together? A That was my understanding.
Q You are as positive about one as the other? A Yes sir.
Q What was Butler McNair Wife's name? A IThink it was Betsey.
Q Did they have any children? A I don't k think they did.
Q What was Jeff Lyon's wife's name? A I don't know.
Q Did they have any children? A I don't know.
Q Were you ever at his house? A No sir, I don't know as I was at his house.
Q Then you didn't see him when he was loading his wagon? A No sir.
Q And you didn't see Butler McNair? A He had his wagon loaded.
Q And that was in October, 1866? A Yes sir, my understanding was they were all coming together.
Q You don,t know that? A I am not positive as to the date but I am pretty sure they all left together.
Q You are not positive as to the date but you are positive as to them leaving all together, A Yes sir.
Q You didn't know Tom Moore's wife? A I have seen her.
Q You don't know her name? A No sir.
Q Do you know what place he lived? A On Coover's place at Carlile.
Q You don't know whether Tom had any children or not? A It seems to me that he had some children, but I would not say positive.
Q Well now did your father raise any wheat in 1867? A Yes sir.
Q Did he raise some in 1865? A We tried to raise some in 1865 but I think that was the year the grass hoppers come and cleaned it out, and then in the fall of 1865 I sowed some wheat and that did pretty well.
Q Did you raise some in 1868? A Yes sir, I think we did.
Q Did you raise any in 1869? A I think maybe we did. We generally sowed wheat every year.
Q Well did you? A We sowed every year.
Q I mean did you have it sown on your place? A No sir, not on my place.
Q Did you have a place in 1869? A No sir, not myself, the place I was on belonged to my father.
Q Did he have some wheat in 1869? A I think he did.
Q Do you know who thrashed that wheat for him in 1869? A Yes sir, I can tell you who runed that thrashing machine over that way.
Q The same man? A No sir.
Q Well who did? A Old John Corneel done our thrashing from 1861 up until about 1869 or '70. And then Lew Osborne and Nate Wisdom thrashed in there for 21 years.
Q Do you know whether it was 1869 or '70? A I think it was 1869.
Q Are you positive about that? A Yes sir, I am pretty positive.
Q What time in 1869? A I think it was in the fall.
Q You xx were not down at Mose Hardrick' s when he left? A No sir, but I was there several times and heard of his leaving.
Q You heard of his having? A Yes sir.
Didn't see him leave? A No sir, didn't see any of them leave.
Q In other words they just dropped out of your mind but you didn't see them going? A Yes sir, they told me they weregoing and I sold Tom Moore a span of ponies to come with just a few days before they left.

Q But you don't know whether he and Mose come together, didn't see them start? A Didn't see them start, no sir, but my understanding was that they all were to get together, to be at Humbolt.
Q What has refreshed your memory recently, it has been 40 years since then? A Well I don't about that but when this case come up----
Q You talked with the other witnesses when you come down? A Yes sir, I talked with these witnesses as I come down.
Q And have you talked with Mose Hardrick? A Yes sir, I talked with Mose Hardrick.
Q QWhat other of these people have you talked with? A I don't know, I don't know any of them but Mose.
Q Talk with Mr. Starr? A Yes sir.
Q When? A This morning the first time I ever seen him.
Q Who did you talk with up in Kansas and who got you to come here?
A Well the man I talked to up in Kansas was Parrymore.
Q Is he down here? A No sir, I seen him at Iola. I can tell you just how it come up---
Q I asked you who you talked to? A Well I talked to Parrymore about it and told him what I knowed about it.
Q And the reast of you witnesses talked it over coming down here?
A We didn't talk it over. Only two come with me.
Q Who? A A man named Morse and a man named Byrd.
Q Do you know any of the hands that helped you thrash in 1867?
A Yes sir, I can tell you some of the hands, one of them was here today and some of them are dead.
Q Who was that? A John Walter.
Q Who helped you in 1868? A Why John Walter I guess.
Q Are you positive about that? A Well we always changed work.
Q You had been in the habit of changing work are you positive you changed that time? A Well I don't know for sure.
Q You know Mose Hardrick didn't leave in the spring but was there as late as October of 1866? A Yes sir.
Q If he testified he come in the spring he didn't come in the spring of 1866, it was some spring after that time, because he was up there at your place in the spring of 1866? A Why he was up there until the fall of 1866.
Q If he testified he come in the Spring, it was some spring after that? A He was mistaken, not that spring.

BY MR.PATTEN:
Q At the time these parties left that neighborhood in Kansas were you married or single? A I was single.
Q This Mose Hardrick you speak of is he the same person who is the applicant in this case? A Yes sir.
Q You spoke on your cross-examination something about some one tanning some deer hides for you? A That was Tom Moore.
Q Did that instance help to refresh your memory? A Yes sir.
Q In what way? A In the year that he taned them. I know what year it was.
Q How do you happen to recall that instance of him tanning those hides for you? Well after he got them taned he took them all away and I never got but one little hide.
Q Did he take them all away? A Yes sir.
Q You remember you lost your hides? A Yes sir.
Q Do you or do you not positively remember that it was in 1866 that these people left? A Yes sir.
Q You spoke on your cross-examination of selling some ponies to Tom Moore, do you remember whether or not you sold them to him for any purpose or how he come to buy them from you? A Well I didn't have any need for them, I was making a pretty good thing out of them and he wanted a couple of ponies and I sold them to him.

Q Do you know what he bought them for?

Mr. Hastings: I object to that because Moore is not a party to this case.

On behalf of the Commissioner: The objection will be noted.

A I don't know what he bought them for.
Q Are you testifying from facts yourself or what people told you to say? A I am testifying from what I know and from not what nobody told me.

BY MR. HASTINGS:
Q Was it the next year after the grass hoppers were bad in Kansas that you speak of Mose Hardrick helped you thrashed? A Yes sir, it was in 1865 that the grass hoppers come and hurt our wheat. We sowed wheat in the fall of 1865,--no it was in 1864 the grass hoppers come and destroyed the wheat, the same year I got out of the army and in the fall of 1864 we sowed again and in 1865 there was some grass hoppers there, damaged the wheat early in the spring
Q and it was the next year after they damaged it the grass hoppers were bad up there that Mose Left? A The last grass hoppers were there in the spring along--
Q I am asking you the relative times, whether it was the next year afterwards? A Yes sir, the next the year afterwards. The grass hoppers left in the spring and it was the next fall afterwards.
Q Don't you know the grass hoppers were bad there in the fall, or in the year of 1866? A No sir, not bad in 1866.
Q Didn't hurt your crop in 1866? A No sir, it was in 1865.
Q But anyhow it was the next year after the grass hoppers were there? A Yes sir.

BY MR. PATTEN:
Q Do you remember when the Dan Horville house was built? A Yes sir.
Q What year was it built in? A In the spring of 1866 they commenced it.
Q Are you pretty positive that it was in the fall and not in the spring of 1866 that these people left? A Yes sir, I am pretty sure it was sometime in the fall. I am not positive as to the exact date but I am pretty sure it was in the fall.

BY MR. HASTINGS:
Q How far from Iola Was the Dan Horville house? It is a mile and a half from the center of the square
Q Now a mile and a half south from the center of the square, who lives there? A Davis Parsons.
Q When did they build a house down there? A Well sir I think Davis Parsons built a house there in 1857.
Q Now say east of there a mile and a half, who built a house out there? A Wasn't any there.
Q Now out in that neighborhood? A Wasn't any settlement up there them days.
Q When was the first house built there? A Old Lyman Rowe built the first house east of there.
Q When was that? A In the fall of 1859.
Q What I am trying to get at there was nothing to impress it on your mind of any body building a house around there? A Well yes I know, there was a lot of houses built around there.

You mean to sit up here and tell when those houses were built without any thing to fix it on your memory? A I am the oldest settler in that country.

Q Now are you willing to testify independently without anything to fix it definitely upon your mind about when these houses were built there? A Well not all of them but the first ones I know, who built them and where they were built.
Q There is nothing to attach your memory or impress it upon your memory? A No sir, not all over the country.
Q Why then was the Dan Horville house? A He built the finest house in the country.
Q Well aint there lots of fine houses around in that country?
A Yes sir, there is now, but he bui lt the first.
Q You never made any record of when the house was built? A No sir, nothing only just in my mind.

W I T N E S S E X C U S E D .

J. C. THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A J. C. Thomas.
Q What is your age? A 64.
Q What is your post office? A Iola.
Q Kansas? A Yes sir.
Q How long have you lived in or around Iola? Kansas? A Ever since 1864.
Q Where were you living in the spring of 1865? A I lived at Iola, near there, right in a half mile of the town.
Q What direction from town? A West of town at the mill.
Q Were you acquainted at that time with a colored man named Jeff Lyon? A I didn't know him by that name.
Q By what name did you know him? A By Jeff.
Q Did you know his wife? A Yes sir.
Q What was her name? A Mahala, she done my washing until I was married.
Q Is there any circumstance by which you fix that it was in 1865 that you lived near these people, and that they did your washing?
A She never done my washing after 1865, January 5, I was married January 5, 1865, she never did my washing after that.
Q Well did you buy a place in 1865? A Yes sir, I bought the farm I am living on now.
Q What time in 1865 did you buy it? A In April sometime, I think the 29th.
Q Did you get a deed to that farm? A Yes sir.

Mr. Starr: Mr. Hastings we want to have a notation made of this deed.
Mr. Hastings: I have no objection whatever.

On behalf of the Commissioner: There is exhibited a deed dated April 29, 1865, signed by Jacob Pierson and his wife, Lyddia Pierson, conveying certain land described there in to John C. Thomas. This deed was acknowledged before Wm. S. Newbury, a Notary Public, Allen County, Kansas, on April 29 1865. The deed is returned to the witness.
Q Now where was Jeff and Mahala at the time you bought this place

Mr. Hastings: Objected to because he has made no connection between the two as yet.

On behalf of the Commissioner: The objection will be noted.

A He was living on Mr. Cowhorn's place.

Q How far was that from where you lived? A On part of the place, there was a lot cut off of his place.
Q How long did you continue to live at that place? A From 1865 until the spring of 1866.
Q Then where did you move? A On to this place.
Q Then when you moved on this place in the spring of 1866 where was Jeff and Mahala living? A I think they were living on the Cowhorn place.
Q You at that time moved on the place mentioned in this deed? A Yes sir, the first of March.
Q What became of Jeff and Mahala after that? A I don't know sir, I haven't seen them since.
Q How long did they continue to live there after that, after you moved on to this other place? A I don't know sir, they may have lived there all summer, I couldn't give the date but I never seen them after the spring of 1866.
Q Did they leave that part of the country in 1866? A
Mr. Hastings: Objected to for the reason that the witness says he doesn't know and didn't see them after the spring.

On Behalf of the Commissioner: The objection will be noted:

A I never see them after that, don't know where they went.
Q Never saw them since? A No sir.
Q Now what was your under standing as to where they went?

Mr. Hastings: Objected to because he says he doesn't know where they went and I suppose he doesn't want to testify where they went.

On Behalf of the Commissioner: The objection will be noted:

A My understanding was that they come down here. I asked why they left there so quick, I didn't think they would leave at all, and I was told by whoever I asked that they left to come down here in time to get their claim.

BY MR. HASTINGS:
Q You don't know who you talked with? A No sir.
Q And you don't know of your own personal knowledged when they left?
A No sir, I don't .
Q You cannot begin to testify and you are not going to testify?
A No sir.
Q All you know is that after you moved on this other place you never saw them after the spring of 1866? A No sir.
Q And you don't know whether they left that spring, or summer or when? A No sir.
Q All you remember is that you didn't remember of seeing them after you moved? A No sir.

W I T N E S S E X C U S E D.

ELIZABETH THOMAS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A My name is Elizabeth Thomas.
Q What is your age? A I am 64.
Q What is your post office? A Iola, Kansas.
Q How long have you lived in or around Iola, Kansas? A Well since 1858, the fall of 1858.

Q Where were you living in 1865? A Living right in Iola, well it wasn't inside of the corporate limits but close there, about 100 yards.
Q Are you acquainted with a colored man named Jeff Lyons in 1865?
A Yes sir.
Q Did you know his wife Mahala? A Yes sir, she lived there close.
Q How far did they live from where you lived? A It is hardly a quarter of a mile, I don't know really how far it was, not over that.
Q Did you know them there in 1865? A I never saw them until here.
Q When did you leave the place? A In the spring of 1866.
Q Did you see them around there after the time you left? A Yes sir, before we left.
Q What became of them after that? A They came to the Nation, to the Cherokee Nation I suppose.
Q Now when was it that they came to the Cherokee Nation? A Well sir-----

Mr. Hastings: Objected to because the witness has already stated that she didn't know, and that she never saw them after the spring of 1866.

On behalf of the Commissioner: Theobjection will be noted.

A Well I can't give the date when the come but it was shortly after we moved to our place. We moved there in the spring of 1866. We were married in 1865 and come on our place in the spring of 1866.
Q And it was after that shortly you say they came to the Cherokee Nation? A Yes sir, it was a very short time after that, but still I can't give you the date when they came.

BY MR. HASTINGS:
Q You don't know where they come of your own knowledge? A I am right this way, I am like everybody else, that is where they said they were coming. We didn,t go with them.
Q You didn't see them when they left there? A We went from that vicinity.
Q Did you see them when they left? A No sir.
Q They just dropped out of your sight and you didn't see them after the spring of 1866? A Yes sir, I said we moved on our place in 1866.
Q Didn't you say they dropped out of your sight in the spring of 1866? A I said I hadn't been back to visit where I lived.
Q Didn't you say you didn't see them after the spring of 1866? A I don't think I did.
Q Now you ought to be absolutely frank with me, you don't know of your own personal knowledge whatever became of them? A The folks-
On behalf of the Commissioner: Answer his question, yes or no.
A I didn't know that they were coming down here.
Q You lost sight of them in the spring of 1866? A Yes sir, that is what the folks said.
Q Now you are determined to say that? A Well it is just heresay, the same as our neighbors, everybody knows.
Q Who lived on your place in 1867? A We lived there ourselves.
Q Did you have any tenant? A No sir.
Q Did you have any one in 1875? A No sir.
Q Have you ever had one since? A One year we moved off our place and moved to a mill and ran a mill that one summer.
Q What time did you move on this place in the summer? A In the spring, the first of March.

Q Then after you moved there the first of March you never saw Jeff and his wife? A I don't remember of seeing them.
Q You don't know where they were of your own personal knowledge?
A No sir.
Q Did they have any children? A Yes sir, one.
Q What was its name? A Its name has slipped my mind.
Q Boy or girl? A Boy.
Q About how old? A Well I should judge he was 5 or 6 years old, I don't know that is just guess work.
Q They only had one that you knew? A The only one that was with them, I have been told that she had older children that were not with her.
Q That had only one there and it was 5 or 6? A Yes sir.
Q That was Jeff and Mahala? A I don't know, it was called theirs.
Q Do you know where it was born? A No sir.
Q Did they have any born while there? A No sir.
Q You know that? A Yes sir, I know that.
Q This one you knew is 5 or 6 years old? A I judge it was.
Q You never saw but the one? A That is all I had any knowledge of. If she ever told me anything about her older ones I have forgot it

BY MR. STARR:
Q Now Mrs. Thomas you started to say awhile ago what the folks said about where these people went when they left there?

Mr. Hastings: Objected to for the reason that this witness has already testified that she doesn't know of her own personal knowledge where they went?

On Behalf of the Commissioner: The objection will be noted.

Q Go ahead and tell what they, what you started to say? A I said that is what the people said, that they had gone to the Cherokee country.
Q Was that the same year you moved on the last place?

Mr. Hastings: Objected to because that is as clearly and leading question as can possible be put.

ON Behalf of the Commissioner: The objection will be noted.

A We have never lived on but one place, we live right where we moved when we went to housekeeping.
Q Was that the same year you moved on this place that these people were talking about Jeff and Mahala coming to the Cherokee Nation?
A To the best of my knowledge it was.

BY MR. HASTINGS:
Q Was it a month after you moved on your place? A It was more than a month.
Q Two months? A I think it was, well this Jeff just tended a crop that year.
Q You don,t know this? A I know they had to hire another hand, they said Jeff was gone.
Q In making that crop? A Yes sir.
Q Making a crop of corn? A Yes sir, a mixed crop I guess.
Q That is what you recollect about it? A Yes sir, I wasn't on tha t place, I just seen the family once in a while.

W I T N E S S E X C U S E D .

On Motion of the Commissioner this case was here continued for further hearing until June 22, 1906, at 8:45 A. M.

On June 22, 1906, in pursuance of continuance heretofore had in this case, the hour of 8:45 A. M. having arrived, this case was called for further hearing, and the following proceedings were had on this day.

R. J. MORRIS, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q What is your name? A R. J. Morris.
Q Where do you live? A Iola, Allen County, Kansas.
Q How old are you? A Past 61.
Q How long have you lived there? A A Little bit over 50 years.
Q Were you a soldier in the Civil War? A No sir.
Q Did you know a man by the name of Mose Hardrick, a colored man about war time? A Yes sir.
Q When did you first become acquainted with him? A personally acquainted with him in 1864, we were out together in Price's Raid., there is where I got personally acquainted with Mose.
Q Did you continue to know him after that time? A I did for a year or two.
Q Do you know where he lived in the year 1866? A He lived on a farm owned by Eli Lorance.
Q Where were you living at that time? A Two miles northwest on Deer Creek.
Q Were you pretty well acquainted with him? A yes sir, very well acquainted with him.
Q How frequently did you see him during the year 1866? A I probably see him once a week, maybe twice or three times. I went to town pretty often then and most every Saturday I would see Mose in town.
Q Did you know Jeff Lyons? A Yes sir, I knew the man, I wasn't so much acquainted with him as I was with Mose.
Q Did you know Tom Moore? A Yes sir, very well acquainted with Tom.
Q Did you know Butler McNair? A Yes sir.
Q Where did these other people live? Jeff Lyons, where did he live?
A Jeff Lyons lived on Cowhorn's place, joined right up to Iola on the southwest.
Q Was that close in the neighborhood where you lived? A Probably five miles.
Q Where did Butler live? A On Deer Creek about 4 miles from me.
Q Where did Tom live? A On Coover's place, a mile north of where Butler lived.
Q Do you know how long these people continued to live in that neighborhood? A They were there until the fall of 1866.
Q And where did they go~~xx~~, if you know? A I don't know, they left ~~xxxxxx-and-said---they-left-there-at-that-time-along-som~~------ there and said--they were talking of coming back home, I suppose the Territory. They left there at that time along sometime in October or November, I couldn't say which month.
Q Now about how do you fix it that this was in the fall of 1866, rather than 1867 or '65 that they left? A Well I was at that time a single man, I was married in 1867.
Q And about how long before you were married did they leave? A A year.
Q And what time in the year 1867 were you married? A In the latter part, in the fall, or rather in the winter, along in November.
Q Do you know when the Dan Horville house was built up in that community? A I couldn't say as to that, it was built in the early days.
Q You don't know what year? A No sir.

BY MR. HASTINGS:

Q It is pretty long to remember when people's houses were built around there? A Well I will tell you that was about the finest house put up in that country then.

Q But you cannot remember? A No sir, I couldn't say what year.

Q You would not like to say from an independent memory? A No sir.

Q You say you were only slightly acquainted with Jeff Lyons? A Yes sir, only slightly acquainted with him, never me thim very much.

Q You perhaps knew there was a colored man by that name? A Yes sir.

Q You don't know the members of his family? A No sir.

Q You don't know anything about the members of Tomm Moore's faily?

A I knew his wife, a girl Rose, an adopted girl.

Q How old was Rose? A She was just a little bit of a girl.

Q About what age? A Probably 7 or 8 years old.

Q Well now what place did Tom live on? A On Coover's place.

Q About how far was that from where you lived? A About 4 miles.

Q Well was that settlement around Iola pretty thickly settled?

A Yes sir, tolable.

Q You had no special reason to remember Tom Moore and you are testifying from your independent recollection? A Nothing more than that he had a mare I used to want and I would try to trade for that mare.

Q You made no note or nothing of that? A No sir.

Q You are just testifying from your own independent recollection?

A Yes sir.

Q And these people, you could be mistaken as to the time you last saw them? A Yes sir, it is possible.

Q You are not going to state it here and swear positively as to that? A Only as to my recollection.

Q You have no record guide you? A No sir.

Q And the same is true of Butler McNair? A Yes sir.

Q And of the others you have testified? A Yes sir, I would not attempt to say positively.

Q You might be mistaken some 3 or 4 months, possible a year? A I don't think I am mistaken as to the time they left there.

Q It is possible you could be though? A Yes sir.

Q Because it is 40 years ago? A Yes sir, long time ago, I know it was they left there before I was married.

Q You have got nothing that connects your marriage with them? A No sir.

Q They didn,t attent your marriage or anything of that kind? A No sir.

Q I mean did work for you about your marriage? A No sir, I didn't ask them anything about it, I asked the woman, she consented and we got married.

Q Well I know, you often times thought have help around there? A They would have been there at the wedding.

Q I say there is nothing in the way of who cooked the wedding dinner or anything of that kind to connect one circumstance with the other? A No sir.

Q As I understand you these were colored people living there in the country that you knew? A Yes sir.

Q You knew a great man there, colored people there? A Yes sir.

Q And these people dropped out of your sight about the time you indicated? A Yes sir.

Q You are not going to testify as to where they went to? A No sir.

Q You never saw them in the Cherokee Nation until recently? A No sir.

Q Some of them you have never seen? A No sir, and never will see unless I happen to go to the same place in the happy hunting ground.

Q Might for aught you know? A Yes sir, we might meet in the happy hunting ground.
Q They left there at the same time Butler McNair? A Yes sir, all disappeared at the same time.
Q That is all dropped out of your sight? A Yes sir.
Q You were not there when either of them left? A No sir.

BY MR. PATTEN:
Q You were more particular acquainted with Mose Hardrick? A Yes sir, Mose more particularly.
Q Are you pretty positive to the best of your judgment it was in the fall of 1866? A Yes sir, that is my judgment that they left there in the fall of 1866.
Q When they left there where did you understand that they went?

Mr. Hastings: I object to that as being heresay.

On behalf of the Commissioner: The objection will be noted.

A They were coming back home, back to the Territory, that was my understanding.

W I T N E S S E X C U S E D .

CALVIN ROSS, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Calvin Ross.
Q How old are you? A 66, 67 next spring.
Q Where do you live? A Iola, Kansas.
Q How long have you lived there? A I have been there ever since the war.
Q Did you know Mose Hardrick during the war? A Yes sir, I knowed him.
Q Did you know Jeff Lyons? A Yes sir
Q Did you know Butler McNair? A Yes sir.
Q Did you know Tom Moore? A Yes sir.
Q When did you first become acquainted with them? A Well after they went up to Kansas, that is Butler and Tom, Mose and Jeff all belonged to the same man down here.
Q Did you go up there with them? A Yes sir.
Q Were you in the Territory here before the war? A Yes sir, raised right over here on the Grand River.
Q Did you go to Kansas with that party up here? A Yes sir.
Q Where were you living in the year 1866 after the war? A Up there
Q Where? A Iola.
Q How far from Iola? A Right in town.
Q Do you know where Mose Hardrick was living then? A Yes sir.
Q Where? A On the Lorance place.
Q Do you know where Jeff Lyons was living? A On the Cowhorn place.
Q Do you know where Butler and Tom were living? A I don't exactly know, I know they lived on Deer Creek there.
Q Do you know when Mose Hardrick and Jeff Lyons left the community up there? A Yes sir
Q When did they leave? A Along about '66, along about the fall like.
Q Do you remember about what month, or what time of the year?
A Well it was fall of the year, latter part of August somewhere along there.

Q That was in the year 1866? A Yes sir.
Q Where did they go, if you know? A Well they started down here, they said to the Nation.
Q Have you lived in that community almost every since? A Yes sir.
Q Have they ever been up there since? A I haven't seen them, never saw Mose until yesterday.
Q Do you know whether or not there was another man up there in that neighborhood named Calvin Ross? A Yes sir, all belonged to the same set of people, kinsfolks, but I knowed him, he belonged to Mr. Josh Ross's mother here, and I belonged to Lewis Ross.
Q You are not an applicant here at all for citizenship are you, you have been in Kansas all the time? A I was in Kansas.

BY MR. HASTINGS:
Q You are the same man that applied here for citizenship? A Not this court.
Q Yes to this Commission? A When?
Q Well are you? A No I aint applied for anything in this court here.
Q Did you ever apply? A I did in the Wallace court.
Q About four years ago? A No sir, not 4 years ago.
Q Have you ever applied? A Why I did in the Wallace Court, I don't know how long that has been but then I wasn't living here.
Q What year was it? A I don't know what year it was then, it was in the Wallace Court.
Q Who were your witnesses? A Why old man John Martin.
Q Did you draw money from the Wallace Court? A Didn't get nothing, not five cents.
Q Did you make application to the Kern-Clifton Commission in 1896? A No sir.
Q Did you live in Iola, in the town of Iola? A Yes sir.
Q Where did Mose live? A On the Lorance place north of town, northwest.
Q I believe you stated that you never made any special note of when they left there? A No sir, I didn't keep no count when they left there.
Q Well did you keep any account of it, have you got any memorandum in your possession? A I said they left in the fall of 1866, I will tell you the reason why, I worked some along with Jeff and that fall he said he wanted to hurry and get down here before the limit run out.
Q I am not asking about that, I am asking you if you have got any record in your pocket about when they left? A No sir, I aint got no date when they left, I know it was '66 along in the latter part.
Q Did Butler McNair leave at the same time? A Yes sir, he and Tom Moore.
Q All of them go? A Yes sir.
Q You have never been to the Cherokee Nation since? A I have been here several times visiting.
Q You never come in 1866 yourself? A No sir.
Q What was the first time you come here after the war? A Time of the Wallace Court.
Q You come and applied for money yourself, did you? A I come to see what I could do, they said everybody.
Q Did you apply for it? A I went in to enroll and they----
Q Did you get on? A Yes sir, they said I was on it.
Q Did you get any money? A No sir, they took my name off.
Q You don't know what year that was? A No sir.
Q Are you married? A I have been.
Q What year were you married? A '70

Q What were you doing up until 1870, you never was married? A What was I doing before I married.
Q Yes, were you working up there? A Yes sir.
Q What kind of work were you doing? A Anything I could get to do. Nothing special, anything I could get to do.
Q Were you ever here after you come to make application before the Wallace Court? A I have been down on a visit, that is all.
Q What year was that? A I was down here last year.
Q What was the next year after the Wallace payment? A I didn't keep any record, might have been 4 or 5 years, I think about up until last fall, I guess it had been about 6 years.
Q Do you remember the exact year you were here? A No sir.
Q You don't know about those dates? A No sir, no learning at all I am no scholar.
Q Can you sign your name? A No sir.
Q Can't read nor write? A No sir.
Q You are a colored man? Yes sir, I am colored.
Q You were a slave yourself? A Yes sir
Q To whom did you belong to? A Lewis Ross.
Q Where is that other Calvin Ross up there? A He lives at Vinita
Q Did he used to live at Iola? A Yes sir, I suppose he did.
Q Don't you know? A Yes sir.
Q Did Hardrick have some children up there in Kansas? A Yes sir, I think he had some.
Q How many did he have? A I don't know that. That is something I never paid any attention to, him nor anybody else.
Q Did Butler McNair have any children? A Well I don't know that.
Q Well did Jeff Lyons have some? A Yes sir, he had some, I recollect a couple of girls; that was his wife's children.
Q What were their names? A One named Peggie and An-na-ki, by a man named Ike.
Q Did Jeff have any children by her? A Yes sir, he had children by her.
Q Up there? A Yes sir
Q How many and what were their names? A Just one is all I know. It was young when he left, I don't know the name of him now.
Q Don't remember his name? A No sir.
Q Have you lived continuously in Iola ever since? A Yes sir.
Q In the same town? A Right there in town, been nowhere else.
Q Were you in the army? A Yes sir.
Q After you were mustered out you just lived continuously in Iola?
A Yes sir, right there.
Q Is the wife you married in about 1870 living? A Dead.
Q When did she die? A She has been dead about 12 years I believe
Q Do you remember the year she died in? A No sir.
Q You don't remember? A No sir, I don't know anything at all about such things.
Q You don't know anything about dates? A No sir.
Q You don't remember the date she died? A No sir.
Q You are not going to testify about dates? A No sir.
Q You are unlearned and connot read nor write and are not going to testify as to exact dates? A Nothing like that I don't know.
Q Did you have some children born to you? A No sir.
Q Never had any children at no time? A Nosir, never did.
Q You are just testifying now from independent recollection?
A What I tell is what I recollect.
Q But you have just said you cannot read nor write and don't know anything about dates? A No sir, I cannot read nor write.
Q And you said you don't know anything about dates? A Well I know about back in 1866, about that time I know that because that was the second year after I come home from the army.

Q But you don't know what year your wife died? A No sir, I don't know that.
Q You don't know what year you come down here to make application to get on the Wallace roll do you? A No sir, I don't recollect that date at all.
Q Now from 1866 up to the present hour can you name any date upon which any event occurred. Now all between those years, 1866 to 1906? A Well I don't know that that is.
Q Do you know anything occurred in 1876? A I don't know that.
Q Do you know anything occurred in 1886? A I never paid attention to such things.
Q Do you know anything occurred in 1896? A No sir, I don't recollect any such things like that.
Q When were you asked to testify in this case? A I was up at Iola.
Q Who come to see you about it? A I don't know the man.
Q Well who was it? A I don't know but he was---I guess you all know him better than I do.
Q Who subpoened you to come down here? A Why it was a Government man, he said he was doing Government business.
Q Did he say he was a Deputy Marshal? A Yes sir.
Q Did he tell you that? A He didn't tell me but I heard some of them say, he told me he wanted me to come down.
Q Did he read a suboienae to you? A No sir, he didn't read anything
Q Did he say he had one? A He didn't tell me that neither.
Q What was his name,--Parrymore? A I don't know.
Q Was that his name? A I never heard the man's name called.
Q But without knowing who it was or anything about him, you come?
A Yes sir, I don't know anything about his name, he never told me his name at all, he told me what day to come.
Q What year is this? A 1906 I believe.
Q Are you certain? A Last year was 5 and this year is 6.

W I T N E S S E X C U S E D .

JOE DAVIS, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Davis.
Q What is your age? A 51 going on 52
Q What is your post office? A Vinita.
Q Are you acquainted with the applicant Mose Hardrick? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Did you know Butler McNair in his life time? A Yes sir.
Q Did you know old man Tom Moore? A Yes sir.
Q Where were you in the fall of 1866? A I was over on Spring Creek, well I was in Tahlequah District, right where Saline and Tahlequah join.
Q When was the first time you saw the applicant Moses Hardrick after the war of the rebellion in the Cherokee Nation? A Well it was sometime just before Christmas 1866.
Q Where was he when you saw him? A Over there on Spring Creek.
Q What was he doing there? A He just come over there visiting around I guess, over there where we were all living.
Q When was the next time you saw him any more? A After Christmas, sometime in 1867, along in about the last of January sometime of the first of February.
Q January 1867? A Yes sir.
Q Where was he? A He was up on the River on the old Dr. Thompson place where Wimer Thompson lives now.
Q What was he doing there? A He was living there.

Q Who else was living there at that time? A A whole lot of them, Uncle Andy Frye was there, old man Moore.
Q What Moore was that? A Uncle Tom Moore I think. I don't know, there were several families living in that old house.
Q Has Moses Hardrick lived in the Cherokee Nation ever since you saw him the last of January, 1867? A Yes sir, ever since to my recollection.
Q Never has lived anywhere else? A Not as I know of.
Q When was the first time you saw Jeff Lyons after the war? A Well that was in 1867, sometime in January.
Q Where was he at that time? A He was up there, up to old Dr. Thompson's place.
Q In the Dr. Thompson house? A Yes sir, in that house.
Q Did Jeff Lyons and Mose Hardrick make a crop on that place in the year 1867? A I think they did, they were living there working there.
Q Did Jeff Lyons have his wife with him there? A I don't know whether he did or not.

BY MR. HASTINGS:
Q How old are you now? A 51 years old, going on 52.
Q You were just a boy then? A Yes sir.
Q How old were you then? A I suppose I was, I don't know about 11 years old, 10 or 11.
Q You were a slave yourself before the war? A Yes sir.
Q What is your wife's name? A Belle Davis.
Q What was her maiden name? A Belle Bains.
Q Is she an applicant for citizenship? A She was born and raised in Texas.
Q Is she an applicant for Freedman citizenship? A Nosir she is an intermarried, she is a State woman.
Q Were you ever married before? A No sir, this is the first one I ever married in my life.
Q Where were you living in 1866? A Well sir I was living at two different place. I was living up there on Grand River, there is where I settled, I moved from Fort Gibson up there.
Q When did you go from Fort Gibson? A Sometime in the summer.
Q On whose place? A Our own place.
Q Who was with you? A My Uncle.
Q Who was he? A William Tucker.
Q Who made a crop on the Lon Lynch place in 1867? A Well I don't know about that.
Q Who made one on the Bob Daniels place in 1867? A I don't know about that.
Q Did Jeff Lyons have any children with him when you saw him?
A Well I don't recollect, there were some children, I think he did though.
Q Did Mose Hardrick have any? A Yes sir.
Q How many? A I don't recollect, had several of them, --Jeff Lyons, lets see---
Q I am asking about Mose now? A Well he has had so many children I don't recollect.
Q Well at that time? A Yes sir, I think he did.
Q Now what children did he have? A I know of one, Eliza.
Q Did he have any others? A Yes sir, two or three more there.
Q What were their names? A I don't recollect--there was Josiah.
Q He had him there when you first saw him? A No sir, he did'nt have him then.
Q I am asking you when you first saw him? A No sir, he didn't have none of his people with him when I first saw him.
Q Well after Christmas, which ones did you see? A Well I say there was Eliza.
Q What was the next one? A Well I don't recollect, he had several children.

Q How many did he have? A I said I don't know.
Q Don't recollect that? A No sir.
Q How many did Jeff Lyons have when you saw him up there? A I don't recollect that.
Q You don't tell about that? A No sir, had two or three, 3 or 4, there were lots of children there.
Q You were only a boy yourself, you would have known children?
A Yes sir, that is how come me to know them, I played with them
Q Was Butler McNair there at that time? A Well I don't recollect, it has been so long, I don't recollect all of them.
Q It has been a long time ago hasn't it Joe? A Yes sir, that is right.
Q You did'nt belong to the same people these people did before the war? A No sir, but I knowed them.
Q You were only 5 or 6 years old during the war? A Yes sir.
Q You were born in 1855 or 1856? A Born the 27th of March 1855.
Q Was Tom Moore at this Thompson place? A Yes sir.
Q Did he have a wife? A Yes sir.
Q What washer name? I don't recollect.
Q Was she there? A I don't recollect.
Q You cannot recollect, it has been so long ago? A No sir.
Q Where did you live in 1867? A On Spring Creek.
Q Where did you live in 1868? A Up on Cabin Creek, moved up there in 1868.
Q How far is that from the Dr. Thompson place? A About 30 miles I guess.
Q Where did you live in 1869? A On Cabin.
Q How long did you continue to live on Cabin Creek? A I continued to live there off and on until I was married. Call it my home, it was my home, raised up there, lived there from 1868 until now I live in Vinita.
Q Were you down on the Dr. Thompson place in 1869? A I don't recollect.
Q Were you down there in 1868? A Yes sir, I think I was there in 1868, come around by there.
Q Who cultivated that place that year? A I don't recollect.
Q Do you know who cultivated it in 1870? A No sir.
Q Do you know who dultivated the Bob Daniels place in 1868? A No sir.
Q Do you know who cultivated the Lynch place in 1868? A Which one of the Lynch's places.
Q Lon Lynch place, belonged to his father? A No sir I don't. You see I didn't live up there with them people at all.
Q You were just wandering? A No sir, just going up there. You see there wasn't very many of us people here in that country up to that time, and that settlement was 16 or 17 miles north of where we stayed and our folks went up there and I went with them.
Q Are you certain you saw Butler McNair up there at that time?
A Yes sir,--well I wont be positive.
Q Is that your best judgment, along with your judgment ofthe rest of them? A No sir, I wont be positive about Butler McNair
Q You want be positive about any of the children that any of these people had? A Yes sir, I will to.
Q Nowlets commence again, what children did Mose Hardrick have up there at that time? A I know he had Eliza.
Q The others? A It seems he had a girl, I forget, I know he had two or three
Q Nels Moore living there at that time? A Yes sir.
Q Was he living in that house? A I think he was, yes sir, there was several of them, I don't know how many there was, 5 or 6 families all living in that old place.
Q What others lived there, now named them all? A I have named all I recollect of.

Q Now lets go over them again so we can get them more together, allthat were living in that house at that time? A I couldn't tell you all of them. That has been a long time ago and I couldn't be positive to state but all of them people were living in that house.
Q It is a long time to testify about? A Yes sir.
Q And you don't want to be positive about that? A Yes sir, I am positive I saw Uncle Mose Hardrick there because I knew him so well.
Q Tell us who else and all you saw there? A I seen Tom Moore there, I seen Uncle Mose Hardrick's children.
Q Well who else? A I seen Aunt Sallie Lyons.
Q Was that Jeff Lyons' wife? A I think it was. It has been so long ago, there was a whole lot of them there, that was Mike Moore's mother.
Q What was her name? A I think it was Aunt Salie.
Q You knew her before the war? A No sir, I used to run with Mike Moore, I knew him, raised with him and went with him.
Q His mother was named Sarah? A Not Sarah, I think it was Salie it has been so long I forget,.---No Mahala that was it.
Q Who told you? A I just happened to think of it.
Q You just heard one of those boys back there say it, didn't you?
A No sir, but that was her name.
Q She was living there then? A Yes sir.
Q Well where was Bob Daniels living? A I don't recollect. It has been so long, I would not come up and say who all lived there exactly except old Uncle Mose and them people I know personally a long while.
Q You are ready to testify about them? A Yes sir, you too.
Q But you are not ready to testify what children Mose had? A Yes sir, I can testify to that.
Q Give them here? A I cannot give them all.
Q Then you are not ready to testify? A Yes sir, I am about Eliza Hardrick.
Q Did he have any others? A Yes sir, two or three more
Q What were their names? A I don't recollect it, --there was Cy.
Q He was there at that time? A I don't recollect whether Cy was there at that time. I knowed Uncle Mose had two or three children but that was Eliza, she was the oldest.
Q What I am trying to get at, you say Mose had some two or three other children there at that time and I am asking you the names of any of them except Eliza, that was there in January, 1867?
A I don't recollect the names.
Q But you know he had them? A Yes sir, I know he had them.
Q Was he living up stairs or down stairs? A I don't recollect that.
Q Do you remember who was living up stairs? A No sir.
Q Do you know who was living down stairs in it? A No sir, I don't recollect whether they were living up stairs or down stairs because I didn't live there myself.
Q You don't know who was living there on the Bob Daniels place at that time? A No sir.
Q You don't know who was living there on the Lynch place, Lon Lynch's father? A No sir, I didn't live up in that country.
Q You don't know hwo lived on the Johnson Thompson place? A No sir I don't it seems to me like it was some Cherokees living on the Johnson Thompson place, I don't recollect.
Q What year did Johnson Thompson come back there? A I don't know, I couldn't tell you that.
Q You couldn't say that? A No sir.

Q When did you first see him up there after the war, Johnson Thompson? A Well I never got acquainted with Johnson Thompson until way along sometime in '70, in '72.
Q When did you know of his living there,--lots of time you knew of a man living there but not personally acquainted with him? A Well I would know,--I knew he was living there along in '70.
Q Thatwas the first time you ever saw him there, that is what I am asking you? A I don't recollect.
Q You don't recollect that? A No sir.
Q How far is the Johnson Thompson place from the Dr. Thompson place?
A Well I don't know that, it isn't very far though.
Q Well about how far? A Well they are right close together. Dr. Thompson place I believe is on one side of the river and the Johnson Thompson place on the other.
Q What side of the river is Dr. Thompson place? A On the east side.
Q And the Johnson Thompson place is on the west side? A Yes sir. I don't know much about the Johnson Thompson place, but I have been to the Dr. Thompson place.
Q And it is on the east side of the river? A Yes sir, Wimer Thompson lives there now.
Q Did you have to go by the Johnson Thompson place to get to the Dr. Thompson place? A No sir, not at that time, I come in from the southeast.

ON BEHALF OF THE COMMISSIONER.
Q Are you related to Mose Hardrick? A None at all sir.
Q Are you related to Jeff and Mahala Lyons? A No sir.
Q Mike Moore? A No sir.
Q How far did you live from them before the war, Mose Hardrick?
A It was, I expect 45 miles.
Q When was the last time that you saw him before the war? A Well sir I think it was just about the year the war commenced, or the year before the last time that I seen Uncle Mose.
Q Where was it? A He was up there at our place.
Q Do you remember what year it was? A Yes sir, I think I do.
Q What year was it? A I think it was in about 1860, the last time I seen Uncle Mose.
Q He was at your place? A Yes sir.
Q Was any one there with him? A Yes sir, several of them.
Q Name them? A Lets see, there was him and Uncle Jim French, and my oldest brother, Ab Davis, my mother and Charley Davis.
Q What were they doing there? A Well I don't recollect.
Q Just visiting? A Yes sir, he was just there, used to come up there sometimes and stay a week or two at a time. Uncle Mose used to come up there to see my sister.
Q Do you remember him being at your place before that time? A Yes sir.
Q Can you name another time he was there before this? A Yes sir, I can recollect him ever since I have been big enough to recollect.
Q The last time you remember seeing him before the war was in 1860?
A Yes sir, somewhere along there, '59 or '60, about the time the war commenced.
Q Do you know where he went from your place? A No sir, guess he went back home.
Q Did you see him any more until you say you saw him in January, 1867? A Yes sir.
Q When? A I seen him sometime along in December of 1866.
Q Did you see any other freedmen up there about that time? A Yes sir.
Q Name them? A Well I cannot name all. There was several of us.

Q Name what you can? A There is Uncle Sam Vann, Jesse Vann, Rab Musgrove and our family and Uncle Hous Musgrove.
Q Were they all there on Spring Creek? A All living up and down and Spring Creek, one settlement.
Q You were how old then. A About 10 or 11 years.
Q You remember December 1866, do you? A Yes sir, I recollect it, well I think it was sometime just before Christmas.
Q Had you ever gone to schold prior to that time? A No sir, I hadn't commenced schold then.
Q Could you read and write at that time? A No sir.

BY MR. STARR:
Q About this Bob Daniels place, how many Daniels places were they around that country? A I don't know, I aint very well acquainted with the Daniels place.
Q Were you very well acquainted with this Lon Lynch place in 1867? A No sir, I wasn't around there very much at that time 15 or 16 miles from there.
BY MR. HASTINGS:
Q Was Mose Hardrick married before the war? A I don't know whether he was or not. That is beyond my knowledge.
Q You don't have any idea about that? A No sir, I couldn't say I didn't live within 40 miles of him.
Q You don't know whether he had a wife before the war or not?
A Don't know whether he married before the war or during the war. Sometimes the darkies didn't marry in this country.

W I T N E S S E X C U S E D .

WILLIAM BIRD, being first duly sworn, testified as follows:
BY MR. PATTEN:
Q State your name? A William Bird.
Q Where do you live? A Allen County, Kansas.

Mr. Hastings: Comes now the representative of the Cherokee Nation and call the attention of the Commissioner to the Five Civilized Tribes that no notice was served upon the representative of the Cherokee Nation that the testimony of the witness William Bird was expected to be taken in this case. That notice was received by the representative of the Cherokee Nation only upon June 18; that this witness was expected to give testimony in this case, and no affidavit was filed as to what he is expected to testify to and his name was not included in a list of witnesses in the motion to reopen; and that it is unfair to the Cherokee Nation for notice to be given only three days in advance of the date the case is set for hearing of non-resident witnesses, and for these reasons object to the witness testifying in the case.

Mr. Patten: The Attorneys for applicants ask in reply to the motion of the Attorney for the Cherokee Nation, that the letter written to the Honorable Commissioner on June 16, 1906, advising the Commissioner of the names and post office addresses of the witnesses now sought to be introduced be filed and made a part of the record in this case. We further contend that the introduction of this witness is not unfair for the reason that his name and post office address have been previously furnished the Attorney for the Cherokee Nation, and if there is any unfairness it is because his name and post office address is at all required to be furnished being since the applicants in this case are not entitled to and are not in a position to require the Cherokee Nation to furnish the names or post office address of a single witness. And further we would call attention to the Departmental letter in the Thomas Mayfield case, dated April 12, 1906, that shows that the affidavits of witnesses sought to be introduced on new hearing are not required previous to the introduction of such witnesses.

On behalf of the Commissioner: The records of this office show that under date of June 18, 1906, there was received a letter from Messrs. Starr & Patten, Attorneys in this case, dated June 16, 1906, advising that they expected to introduce at the hearing in the cases of Moses Hardrick, et al., the testimony of William Bird of Iola, Kansas, and that they had on that date advised the Attorneys of the Cherokee Nation thereof, giving the name and address of said witness.

Mr. Bixby, Commissioner: The records of this office show that on May 24, 1906, the Attorneys for applicant were notified that the Freedman enrollment case of Moses Hardrick, et al., would be taken up for hearing at the offices of the Commissioner on June 21, 1906, and that they would be required to furnish this office with the names and addresses of such witnesses as they proposed to introduce in addition to the witnesses who signed affidavits filed with the motion to reopen the case, in sufficeient time for this office to give the Attorneys for the Cherokee Nation at least two full weeks notice of the names and addresses of the witnesses proposed to be introduced. It is advised therein in accordance with the Department's direction to this office of April 12, 1906 (I.T.D. 4071-1906), in the cases of Thomas Mayfield, et al., in view of the advise to the Attorneys and of the Department's direction to this office in the Mayfield cases the motion of the Attorney for the Cherokee Natio will be sustained, and the testimony of the witness William Bird will not be taken.

Mr. Starr: To which the applicants except.

JENNIE DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:

Q State your name? A Jennie Downing.
Q How old are you? A About 54 years old.
Q What is your post office address? A Catale.
Q Where were you living in the latter part of the year 1866? A The latter part.
Q Yes, or the first of 1867? A I was at the old Johnson Thompson place.
Q Are you a duly enrolled Cherokee Freedman? A Yes sir.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A Returned back here in 1866.
Q Who did you come back with? A With Andy Frye, my Uncle.
Q Now were you acquainted with Mose Hardrick before the war? A No sir.
Q When was the first time that you remember of seeing Mose Hardrick after the war? A I remember seeing Mose Hardrick after the war was down at the old Johnson Thompson place.
Q Which side of the Grand River is that place on? A It is on the east side.
Q Did you know Jeff Lyon about that time? A Yes sir.
Q When was the first time you saw Jeff Lyons after the war? A At the same place.
Q About what time was that? A It was in the winter time.
Q Of what year? A 1866.
Q About what time in the winter? A About Christmas times, just little after Christmas. I aint positive, a little before or after Christmas.
Q That is when you saw Jeff Lyons? A Yes sir.
Q And did he move over on that Thompson place? A Yes sir.
Q Did Mose Hardrick move over there before or after Jeff? A After Jeff, he was there first.

Q How long after Jeff moved on that place did Mose Hardrick move there? A I don't know.
Q Was it a long time or short time? A It wasn't so very long after he come I don't suppose. I would not be positive just how long.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Cynthia Lynch? A Yes sir.
Q Did they have a school in that neighborhood about that time? A Yes sir.
Q Where did they have that school? A At old Johnson Thompson's place.
Q Who taught it? A Cynthia Lynch.
Q What time? A In the spring.
Q Do you know about when that school started? A No sir, it was in the spring.
Q Did Mike Moore go to that school? A Yes sir.
Q Did you? A Yes sir.
Q Did he go there when you did? A Yes sir.

Mr. Hastings: Comes now the representative of the Cherokee Nation and object to all of these leading questions put to this witness as the past few questions have been.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, Mike went there then.
Q And that was when? A That was in the spring.
Q Of what year? A '67 or '66, '67 I think it was.
Q Do you remember the occasion of the death of Harvey Frye? A Yes sir.
Q When was that? A In March.
Q Of what year? A '67. They dismissed school for us all to go and attend the funeral.
Q Where was he buried? A He was buried right at that graveyard on the hill, I think on the east side of the house if I mistake not, it has been so long.
Q Who dug that grave, do you know or not? A Uncle Jeff Lyon and Lewis Howe.

BY MR. HASTINGS:
Q Mose Hardrick ever lose any other children? A Any of his children.
Q Did Andy Frye lost any other children? A Yes sir, lost one more, girl.
Q After that? A Just before or after that.
Q What year did the other one die? A I don't know.
Q Don't have any idea about that? A No sir, I don't know.
Q You don't know whether it was one year before, or two years after?
A No sir, I don't.
Q It may have been 5 years afterwards? A ' couldn't tell.
Q You have got no idea about that? A No sir.
Q You had no education before this, you couldn't read and write at this time? A No sir.
Q You would not like to be positive about this like that? A No sir.
Q Did Mose Hardrick lose any children? A Not that I know of.
Q Did Jeff Lyons ever lose any? A Not that I know of.
Q Did Nels Moore ever lose any? A Not that I know of.
Q Did anybody else in that country ever lose any? A Not at that time you speak of.
Q I don't mean at that time, did Mose, Jeff or any of your neighbors in that country at any time after that have any children to die? A They had some to die.
Q Who? A I don't know [illegible]

Was the payment I could tell ? [illegible]
I think they paid once in '80.

Q Well how long afterwards? A I couldn't tell you.
Q Don't you know the date Mose lost his children? A No sir, I don't.
Q But they were after that time? A Yes sir, I suppose they were.
Q Well how long did you live there in that neighborhood after that?
A Why we moved away from there, we didn't live so long awhile before we moved away.
Q About how many years? A I guess it was a year, or it may have been a little longer.
Q May have been two or three years? A Yes sir, before we moved away from there, no not quite that long, probably a year or two years.
Q Probably two years? A Yes sir, before we moved away from there.
Q How far did you move from there? A I don't know.
Q In the same neighborhood? A No sir, we moved on the Filmore Hicks place.
Q How far from this Thompson place? A I don't know just how far.
Q About 5 or 6 miles? A Yes sir, I guess it was.
Q Do you know what year you moved down there? A No sir, I don't.
Q How long did you live down there? A About two seasons.
Q Do you know what year you left down there? A No sir.
Q It is a pretty long time ago to testify about things that happened then, aint it? A A good while.
Q Were you married afterwards or were you married at that time?
A Married afterwards.
Q What year were you married? A I was married in, I would not be positive, I was married in '74.
Q You would not be positive about that? A I think it was.
Q Do you know what year they made the Wallace Roll? A If I mistake not I think it was in '95 or '96, something like that.
Q That is when they made the Wallace Roll? A I think it was.
Q Now when did they make the Kern-Clifton roll? A I disremember, I wont be positive about that.
Q You don't know what year the freedmen drew their first money do you? A No sir, I don't.
Q You don't recollect the years of any of the payments? A There was one payment I could tell you and that was the 1880 payment. I think they paid once in '80.
Q In that same year of 1880? A I think they paid off money that year.
Q What time of the year? A I don't remember.
Q You don't recollect it? A No sir.
Q Don't know whether it was spring, fall, summer or winter? A No sir.
Q Don't know where you were living? A Yes sir, I was living on Spring Creek.
Q You said you were living on the Johnson Thompson place, when did he come back there after the war? A I don't know.
Q Don't you have any idea? A No sir.
Q Well you knew Johnson Thompson? A I was just acquainted with him, they would say it was him.
Q He was afterwards a merchant up there? A He was?
Q Wan't he? A I suppose so.
Q Don't you know that? A They say he was a merchant.
Q Didn't you never see him? A I saw him at a distance but never went to his store.
Q Didn't you never know where he lived? A Johnson Thompson's place was on this side of the river and the old place we moved on was on the same side of the river.
Q How far were those two places apart? A They are not very far apart, the river is between them.

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Q And you claim you lived at one place and the river is just between you and the other? A Yes sir.
Q You don't have any idea at all when Johnson Thompson returned to that place? A No sir.
Q Don't have the slighest idea about it? A I could have a slight idea but that would not do me any good to tell it.
Q What is your judgment about it? A I don't know, I couldn't tell you.
Q You have got no judgment at all about it? A When he returned? Yes? A No sir, I have seen hi .
Q How did Mose come down there? A I couldn't tell you.
Q You don't have any idea? A No sir.
Q Did he have a wife? A Not when I saw him.
Q Well how many years afterwards before he brought his wife? A I couldn't tell you.
Q As much as 3 or 4? A I don't know.
Q Is that your judgment? A I couldn't tell you when I saw Mose Hardrick, I saw him personally---
Q How many years after that before you saw his wife and family?
A I guess probably a month, or two or three months when I saw his family.
Q Where were you living when you saw his family? A Down on the river below there. I was staying with my Aunt on the Reuben Downing place.
Q I thought you lived at the Dr. Thompson place? A I did when I saw him, but when I saw his wife I am telling you.
Q When did you leave the Dr. Thompson place. A I don't know.
Q How long after Christmas? A Quite awhile.
Q Two or three months? A I couldn't tell just when it was we left that place.
Q What is your best judgment about the time you left there? A Well I don't know, you see we went to school there.
Q There on the Thompson place? A Yes sir.
Q You said that started up in March, so you were still on the Thompson place in March? A Yes sir.
Q And you yet hadn't seen Mose Hardrick's wife when you left that place? A Yes sir, I was at my aunt's before.
Q That was after you left the Thompson place? A Yes sir.
Q Then that was after March? A I suppose so, when I saw his wife.
Q Then he didn't have any wife there when you firut saw him? A No sir, I saw him personally.
Q Anybody else with him? A Nobody with him when I saw him.
Q Were you living in one of Dr. Thompson's house? A We were living there in the old brick house.
Q Where did he come from? A Come from across the river when he come there.
Q He wasn't living in that house? A No sir, not the first time.
Q He wasn't living there until after you left? A After we left he moved there.
Q Anyhow up until the timeyou left and you stayed there until after March, 1 67, he never lived in that Dr. Thompson house?
A No sir, he wasn't there when I left, I suppose he moved in after we left.
Q Well you never saw Jeff Lyons there at all? A Yes sir.
Q When did you see him there? A I saw Jeff there just a little before Christmas or just after Christmas.
Q Did he have his wife? A Yes sir.
Q The first time you saw him? A Yes sir.
Q Where were they living? A Right there on the same place.
Q On the Thompson place? A Yes sir.
Q Did they live in the same house? A They lived in a little brick house. He moved in where she taught school in the little brick house.
Q That was Jeff? A Yes sir.
Q What was Jeff's wife's name? A Patience.

Q That was Jeff Lyon's wife? A Mahala I mean.
Q Now you say it was Mahala, you see her? A Yes sir.
Q Did you see Butler McNair there? A No sir.
Q You didn't see Tom Moore? A No sir.
Q They never come there while you were at the Thompson place? A No sir.
Q Now if I recollect right, you lived there ar the Thompson place until after they started school there, and then afterwards moved down on the Downing place? A No sir, I didn't move down there, just went down there to stay a week or two with my aunt.
Q You don't know where Mose come from when he come there? A No sir, I don't.

ON BEHALF OF THE COMMISSIONER:
Q How old are you? A I am 54 years old.
Q Your post office Catale? A Yes sir.
Q Are you a Cherokee freedman? A Yes sir.
Q Have you got any children? A Yes sir.
Q What are their names? A Louvina Downing, Henry, Walter, Maggie and Lydia.
Q Are they enrolled with you? A Yes sir.
Q Are you on the roll as Jennie Duncan or Jennie Downing? A Jennie Downing.
Q Is your husband's name Zebide Downing? A Yes sir.

The records of this office show that on May 10, 1901, Zebide Downing appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of, among others, his wife, Jennie Downing, as a Cherokee freedman, and gave her age as 43 years at that time. The correctness of his testimony is corroborated by her enrollment upon the 1880 Authenticated roll of citizens of the Cherokee Nation, her age appearing upon that roll as 22 years.

W I T N E S S E X C U S E D .

JOE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Joe Bean.
Q What is your age? A 60.
Q What is your post office address? A Chaffee.
Q Are you acquainted with the applicant, Mose Hardrick? A Yes sir.
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know his wife, Jeff's wife? A Yes sir.
Q Where were you in the year 1866? A I was down here.
Q Down where? A Down here in the Nation.
Q Cherokee Nation? A Yes sir, come there to that Horse Creek fight.
Q You were in the Horse Creek fight? A Yes sir.
Q When was the first time you saw the applicant Mose Hardrick in the Cherokee Nation after the war of the rebellion? A I seen Mose Hardrick about 3 or 4 weeks after that Horse Creek fight. as well as I remember.
Q Where was he then? A He was there on Grand River.
Q When was the first time you saw Jeff Lyons after the war of the rebellion? A They were together when I met them.
Q How long after the Horse Creek fight was it when you saw them?
A I don't just remember how long it was, a onth or such a matter, Maybe have been longer.
Q It may have been a month or six weeks after the Horse Creek fight?
A Yes sir.

BY MR. HASTINGS:
Q Where did you see them? A At the Dr. Thompson place.
Q They were living there with their wives? A No sir, I didn't see their wives.
Q Didn't have their wives? A Not over there.
Q How long did you stay there? A Just a very short while, about two or three hours.
Q You are not exactly positivr as to the time you saw them? A Not exactly positive as to the time.
Q No? A I am positive it was the same time right after the Horse Creek fight.
Q But you don't know just when it was, you say directly afterwards? A No sir, I don't know the date when it was.
Q You were a slave? A Yes sir.
Q You couldn't read and write at that time? A No sir.
Q You didn't have any education at all? A No sir.
Q How many years afterwards before you saw Moses wife, as many as two or three years? A No sir.
Q About how many? A It was the next year I saw Moses' wife, I was up there. I saw them in the fall, along about ----
Q As early as October? A Yes sir.
Q Well, it was before it got cold weather? A Yes sir, when I first seed Mose.
Q The leaves were not dead on the trees then? A About, just about the first forst.
Q But you didn't see Moses' wife? A No sir, not at that time.
Q Was he living there at that time? A Don't know as he had, I don't think he was.
Q You don't think his family was there? A No sir, I don't know as it was.
Q Did you know Mose before the war? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did you inquire about her? A No sir, didn't ask him anything about where his family was at the time.
Q You didn't see Jeff Lyon's wife? A No sir.
Q Make any inwuiries about her? A No sir.
Q Did you know her before the war? A Yes sir.
Q What year was the Wallace roll made? A I don't just remember.
Q You are not good on dates anyway? A No sir, I aint good on remembering, picking up everything.
Q Old slaves don't remember these dates very well? A Old slaves remember one thing in this country, about when '66 was.
Q You all remember 1866AA I do.
Q You all know you have got to testify as to 1866? A Yes sir.
Q And that has been talked to you for 10 or 15 years? A Yes sir.
Q It was talked to you when the Wallace roll was made? A Yes sir, before that.
Q What year were you married? A I don't remember, never kept no record of it.
Q Have you got any children? A Yes sir.
Q Do you know what year the first one was born? A No sir.
Q It is pretty hard for an old slave to be correct about dates aint it? A Yes sir.
Q You don't know when your second child was born do you? A No sir, I don't remember.
Q How many did you have Joe? A I believe I have got 14.
Q You don't know when any of them were born? A I don't remember the year they were born. The children got so they could read they put it down, I didn't keep no trace of it, I didn't have to.
Q So you don't know about any of the dates of their birth? A I don't remember.
Q Did you ever lose any children? A Yes sir.
Q Was it your oldest one? A No sir.

Q You don't remember what year it died, do you? A No sir.
Q Did you lose more than one? A Yes sir.
Q How many have you lost Joe? A 8.
Q You have lost 8? A Yes sir.
Q You don't mean you have got 14 living? A No sir.
Q Had 14 all together and have lost 8? A Yes sir.
Q Do you know the year any one of them died? A No sir.
Q You don't know any of these years do you? A Yes sir. I don't really keep track of none of the years now, but I had to keep track of '66.
Q That is all you kept track of? A That is all I tried to keep track of.
Q Who come to you and talked to you about testifying in this case? A Nobody.
Q Nobody never talked to you at all as to what you would testify?
A ' don't remember any person.
Q Don't remember any person ever having talked to you about testifying in this case? A I don't remember nobody.
Q Well now you are positive about that? A No sir, I aint positive about it.
Q I want you to tell if anybody ever talked to you about testifying in this case? A Some person I disremember who it was, whether it was Mose, I believe it was Mose asked me if I would testify in his case.
Q When did you see Mose, yesterday? A I saw him yesterday and I saw him sooner.
Q When did he first talk to you about testifying in this case?
A It has been about two months ago.
Q Did you make an affidavit in this case? A No sir, I don't remember anything about that.
Q And you don't remember how long it was after you first saw Mose before you saw his wife? A No sir, I don't remember how long it was.
Q May have been two or three years? A No sir, it wasn't that long.
Q May have been a year? A I don't think it was that long.
Q You are not going to be positive about that? A No sir, I wont be positive.
Q How long was it before you saw Jeff's wife after you saw Jeff?
A Saw them about the same time.
Q The two women? A Yes sir.
Q Did they have any children then when you first saw them? A Yes sir.
Q Now what children did Mose have? A I don't remember the children's name, I never paid attention to them. I was very well acquainted with the en and I never paid any attention to the children.
Q Did Jeff have any children? A Yes sir.
Q Do you remember their names when you first saw his wife? A As well as I remember they had three children there.
Q How far did you live from the Dr. Thompson place? A 8 miles.
Q Were you ever up there after October? A Yes sir.
Q When was the next time you were up there? A It as -- I don't know I wasn't up there any more until the next spring. Along in the spring I went up again.
Q March, April or May? A Yes sir, it was in May, I think as well as I remember. Corn was up pretty good.
Q Do you know this woman who left the stand, Jennie Downing? A Yes sir.
Q Did you see her there when you were there the first time? A I don't remember.
* Did you see Nels Moore? A I don't remember seeing him.

Q Did you see Tom Moore? A I don't remember.
Q Did you see Butler McNair? A No sir.
Q On whose place did you live 8 miles south? A I stayed on Crap Lynch's place.
Q Was Crap down there at that time? A Yes sir, he was on the old---
Q Arsenie place? A No sir, it is the old Landrum place. Charles Landrum.
Q Did you know Johnson Thompson. A Yes sir.
Q Was he living up there just across the river from this Mr.Thompson place? A I didn't see him.
Q Did you see him the next spring? A No sir.

BY MR. STARR:
Q Was it in the fall of the same year that the Horse Creek fight occurred upon Horse Creek in the Cherokee Nation that you saw Jeff Lyons and Moses Hardrick up there?

Mr. Hastings: Objected to by the representative of the Cherokee Nation as this question is about as leading as one could possibly be, because it places the material facts in the mouth ofthe witness and allows him to answer it by yes or no.

On Behalf of the Commissioner: The objection willbe noted.

A Yes sir.
Q Is that the way you fix the date that you saw them up there?

Mr. Hastings: Objected to because that is leading.

On Behalf of the Commissioner: The objection will be noted.

A Yes sir, that is how come me to remember.

ON BEHALF OF THE COMMISSIONER:
Q Have you ever testified in this case before? A No sir.
Q How far do you live from Mose Hardrick now? A 40 miles I reckon.
Q Have you lived that distance from him for the last 5 years?
A Yes sir.
Q Have you seen him frequently during that time? A Yes sir, I have seen him.
Q Did you see him a number of times when the Commission was making the Cherokee roll out in camp? A Yes sir.
Q Did he ever say anything to you at that time about getting you to testify for him? A No sir.

~~WITN~~ W I T N E S S E X C U S E D . .

ZEP DOWNING, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q What is your name? A Zep Downing.
Q About how old are you? A About 56 years old.
Q What is your post office address? A Catale.
Q Where were you living in the winter of 1866? A I was living on Grand River.
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
Q Did you know Jeff Lyons before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q And Tom Moore? A Yes sir.
Q Do you know or remember the first time that you saw Jeff Lyons after the close of the war, about the time? A It was about the time, along about winter, something long after February, '66, something along there.

Q February, 1866? A Yes sir, as near as I can come at it, along in the winter.
Q Along in what winter? A Winter of '66, along about February, latter part, might have been before.
Q Was that February 1866 or February 1867? A It was February, '66 is what I understand.
Q Where did you see him? A I saw him up there at the Thompson place.
Q What Thompson place? A Dr. Thompson place.
Q Did you ever go to school there? A Yes sir, I went to school there.
Q Do you remember whether or not Mike Moore went to school there when you did? A Yes sir.
Q When was that school going on there? Something along near that time or little after, along about that time.
Q About what time? A February or March, something along there.
Q Now that was February or March of what year? A '66, that is as near as I can come at it.
Q Where did you first see Jeff Lyons? A There is where I first saw him over there.
Q Was he living there or how did you happen to see him? A He had just come there then, and then shortly afterwards I saw him there and all his family.
Q When was the first time you saw Mose Hardrick? A It was sometime shortly after that. I just don't exactly know the date but a short while after, I saw Mose Hardrick, must have been along in the latter part of that month, but it was shortly afterwards, it was in the winter.
Q Were they moving in there or living there? A They were moving in.
Q Do you know where they were moving in? A They were coming from across the river.
Q You say that that was in February, or about February I believe, 1866? A Yes sir.
Q Did that follow the year 1865 or was it,-- I want you to fix it definitely whether that was February 1866, or 1867, whether it followed 1865 or 1866? A It was February of '66.
Q That followed then the Christmas of 1865? A Yes sir.
Q That followed the fall of 1865? A Yes sir.

BY MR. HASTINGS:
Q Can you read and write? A No sir.
Q Never could read? A No sir.
Q You were a slave yourself? A Yes sir.
Q Did you know Jennie Downing, who was on the stand? A Yes sir.
Q She is your wife? A Yes sir.
Q Where were you living at the time you say you saw Jeff Lyons first?
A I was living down in the bottom below old Dr. Thompson place.
Q How far? A About 3 miles.
Q Did you see Andy Frye up there at that time? A Yes sir.
Q Did you see Nels Moore up there? A Yes sir.
Q That was the same time you saw these people and it was about the last of February? A Yes sir.

ON BEHALF OF THE COMMISSIONER:
Q Is Jennie your wife now? A Yes sir.
Q Do you live together? A Yes sir.

BY MR. PATTEN:
Q When did you come down here Zeb? A I come here in the early part of 1865 or '66.

Q Now which was it? A Which?
Q When did you move on that Thompson place or in that neighborhood where you were living? A In '65.
Q What time of the year? A Along in the fall. My father was already living there.
Q Were you out of the Cherokee Nation during the war? A Yes sir.
Q You are certain that that was February 1866, and not February 1867? A It was February '66.

W I T N E S S E X C U S E D .

THOMAS H. MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Thomas H. Moore.
Q What is your age? A 55.
Q What is your post office? A Ketchum, I.T.
Q Are you acquainted with the applicant Moses Hardrick? A Yes sir
Q Did you know Jeff Lyons in his life time? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q Did you know Butler McNair? A Yes sir.
Q Where were you living in the fall of 1866? A Living on Bob Daniels place.
Q Which Bob Daniels was that, or was there more than one? A Yes sir, there are two Bob Daniels.
Q Where were they located? A One is on the south side of Grand River and the other on the northwest side of Grand River.
Q Do you know where the Dr. Thompson place is located? A Yes sir.
Q Which way is one of these Bob Daniels place from Dr. Thompson, the one on the east side? A South of Dr. Thompson's place.
Q Now where is the other one? A I would call it on the north side the way the river runs.
Q How far is it from the Dr. Thompson place? A As near as I remember about a mile.
Q Did you see Jeff Lyons any time after the close of the Civil war? A Yes sir.
Q Where did you see him? A At the Dr. Thompson place.
Q When was that? A In the winter of '66.
Q What time in the winter? A Sometime along after Christmas.
Q How long after Christmas? A A short time.
Q Well about what month was it? A About in January I reckon.
Q Where was he then? A He was up at this Thompson place.
Q Did you see Mose Hardrick? A Yes sir.
Q When was that? A He lived at that Thompson place too.
Q What place did he live on? A He lived on the same place.
Q That is onDr. Thompson's place? A Yes sir.
Q When was it you saw him there? A It was along that same spring and winter.
Q What kind of a house was there on that Dr. Thompson place? A Brick house.
Q Who was it that lived in those houses at the time you are speaking about? A Why Andy Frye.
Q Who else? A Mose Hardrick lived in one.
Q Who else? A Jeff Lyons lived there.
Q Any one else? A Tobe Schrimsher.
Q Who else? A Peter Williams.
Q Butler McNair there? A Yes sir, and Uncle Tom lived there.
Q What time was it that Andy Frye went into that house? A In the fall.

Q Of what year? A '66.
Q He lived there that winter did he? A Yes sir.
Q Now was there any crop made on that place during the spring of 1867? A Yes sir, I think they made a crop there.
Q Was there any school taught there? A Yes sir.
Q Who was the teacher? A Mrs. Lynch now, she was---
Q What is her first name? A Cynthia Lynch.
Q Did you go to that school? A Yes sir.
Q Do you remember Mike Moore, whether he went to that school or not?
A Yes sir.
Q When did he go to that school? A That spring of '67 as near as I can remember.
Q Did he go all of the session? A Yes sir.
Q Do you remember anything about the time Harvey Frye died? A Yes sir, I know when he died.
Q Do you know who dug thegrave? A Uncle Jeff Lyons andmy step-father.
Q When did you see Butler McNair around there? A That was sometime in the early part of that same spring, they were farming there all making crops there.
Q Did Butler McNair have his wife with him when he come down here?
A No sir, I don't think he did.
Q When did she come? A I don't know.
Q Did you ever see her? A Yes sir.
Q When? A Why later, after that.
Q Good while afterwards? A Yes sir.
Q Did old man Tom Moore bring his wife down there when he first come? A No sir.
Q When did she come? A I think the next fall after he made a crop.
Q Did he go back to Kansas and get her? A Yes sir.
Q Where did Butler McNair move when he left the Dr. Thompson place?
A Down the river some place to theold home place where he used to live.
Q Where didTom Moore go to from there? Built a house right close to where my brothers live now and died right there.

BY MR. HASTINGS:
Q What year were you born? A 1851.
Q You was just a boy then at the close of the war? A Yes sir.
Q You were a slave were you? A Yes sir.
Q Could you read or write when the war closed? A I couldn't very much, have learned a little since then.
Q I said when the war closed? A No sir.
Q Did Andy Frye have any children to die besides Harvey? A I don't know.
Q You lived in that same neighborhood don't you? A Yes sir. Well he had some more to die after that.
Q How long after Harvey died? A I don't know.
Q Two years or 10? A I don't know.
Q Haven't you got no better judgment, whether it was 5 or 15? A I couldn't tell you.
Q Do you know who dug the grave? A I wasn't there. I was at the burying.
Q At the other children? A I was at the burying when they buried Joe.
Q Was he a girl or boy? A He was a man.
Q Do you know when he died? A I don't know the year.
Q But you were at his burial? A Yes sir.
Q You were there in the neighborhood when he died? A Have been there all my life.
Q You don't know who dug that grave? A The neighborhood dug it there no certain person.

Q Well did Rose Hardrick have any children to die? A Yes sir, he has got dead children.
Q What were their names? A Got one dead named Winnie.
Q Now who dug these graves for Rose Hardrick's children? A Why all the neighborhood, the men around there.
Q You don,t know who did it? A Just all of us.
Q No particular one? A No sir, a whole lot of us.
Q What year was it? A Somewhere away back yonder in them days.
Q Can you come in 10 years of when either of them died?
A This girl when she died she was about grown, and I guess it has been about that long since she died.
Q It has been about that long? A May be longer, I don't know.
Q I am asking you if you can give us an estimate of within 10 years of when she died? A I don't know when she died or anything like that.
Q Didn't keep any record of these dates? A No sir.
Q Are you related to Rose Hardrick? A No sir.
Q Are you related to Jeff Lyons? A No sir.
Q Are you related to these Moore children? A Yes sir.
Q Do you know Mike Moore? A Yes sir.
Q What kin is he to you? A Yes sir.
Q You knew his mother Wahala? A Yes sir.
Q Was she back there with Jeff Lyons, did she come with him when he first come? A No sir, he went back and got her.
Q Then about how old was Mike when the war closed? A I don't know, might have been 7 or 8 years old, maybe older, I don't know.
Q What is your best judgment? A About 8, maybe 10.
Q How old was he when he come down there after the war? A That is what I mean about that old, I suppose, I didn't know anything about his age. That is as near as I can guess at it.
Q You don't know what year he was born? A No sir.
Q When did you first come back to the Cherokee Nation? A Come in the fall of 1865.
Q What place did you come to? A Stopped at Johnson Thompson place.
Q How long did you stay there? A About four weeks.
Q Then where did you go? A Moved across the river to the Rob Daniels place.
Q Was that across the river? A Yes sir, on the south side of the river.
Q How long did you stay there? A I don't know exactly how long we stayed there, just a short time.
Q Where did you come to from there ,? A Fort Gibson.
Q Then how long did you stay at Fort Gibson? A During that winter until the next spring.
Q Stayed there from thewinter of 1866 until the spring of 1867?
A Stayed there until the spring of '66, until the winter of '66 to the spring, then we moved back.
Q Then you remained in Fort Gibson until the spring of '66?
A No sir, we were up-------
Q How long did you remain in Fort Gibson? A Stayed there,--We remained there a couple of months maybe a little longer, I don't know.
Q Well what time did you go there? A Went there that winter. winter after Christmas and stayed there until spring, then we moved back up to this Daniels place.
Q To the Rob Daniels place? A Yes sir.
Q Which Rob Daniels place did you move to? A The one on the east side of the river.
Q How far was that from the Dr. Thompson place? A About a mile and a half south I reckon.

Q Now about what time in the spring did you go to this Daniels place? A It was along the time to farm, to make a crop.
Q Did you make a crop there in the spring of 1866? A Yes sir.
Q Where were you in the spring of 1867? A There on this same place.
Q Did you make a crop there in the spring of 1867? A Yes sir.
Q When did Bob Daniels come back? A In the fall of '66.
Q Did he move back on this place in the fall of 1866? A Yes sir, we had to move out and he moved in.
Q About what month? A I don't know what month.
Q What was Bob Daniels' wife's name? A Ann Daniels.
Q Did he have any children? A Yes sir.
Q What were their names ? A One, Dick, Tommy, Isaac.
Q Mrs. Trout one of them? A Yes sir.
Q She was up there when you moved out? A Yes sir, and Susie was one of them.
Q They moved in there in the fall of 1866 when you moved out?
A Yes sir.
Q About what month was that? A It was in the fall.
Q How long after that now was it before you saw Jeff Lyons and his wife down here? A Why as near as I remember along in the spring of '67.
Q That is when you saw Jeff Lyons and his wife? A No sir, saw Jeff along that winter.
About how long after you moved out of this Bob Daniels house before you saw Jeff Lyons? A They were all living there before, Jeff and them.
Q What time was it Jeff come there? A In the winter.
Q You say Bob Daniels came up there in the fall of 1866 with his family and you moved out and they moved in? A Yes sir.
Q How long after you moved out of Bob Daniels house and he moved in was it that you saw Jeff and Mahala and Mose and thes others?
A They were all living there.
Q Haven't you already swore that you didn't see them until the winter of 1866? A Yes sir, I seed them in the winter of '66.
Q Well now you moved out of the Bob Daniel house in the fall of 1866? A As near as I remember.
Q Well the fall come before winter, didn't it? A That was in the fall we moved out of there.
Q Then you saw Jeff Lyons and his wife and Mike about Christmas time of that winter, is that it? A Yes sir.
Q Now where had you moved to when you moved out of the Bob Daniels house, did you move to another house in the same place ? A Yes sir, a little bit of a house.
Q A log house or cabin? A Yes sir.
Q And you were living in that and Bob Daniels was living in the main house? A Yes sir.
When you saw Jeff and his wife and Mose Wardrick and Mose's wife, is that the way of it, along about Christmas time? A They all lived there before that.
Q Haven't you swore that you never saw them until the winter? A saw them the winter of '66 .
Q Haven't you swore that you moved out of the Bob Daniels house in the fall of 1866? A Yes sir.
Q Now don't the fall come before winter? A Yes sir.
Q Then you had moved out of the Bob Daniels house, the main house in a smaller house when you first saw Jeff and Mose and their wives? A I saw them before that: Them people were all living there before we moved out.
Q You moved out of the house in the fall of 1866? A Yes sir.
Q You are a half brother of Mike, are you? A Yes sir.
Q Are you any kin to Wels? A Yes sir.

Q Have you and Nels been discussing the case? A No sir.
Q Didn't I see you not half an hour ago down there talking about it? A I don't know whether you did or not.
Q Were you not? A I don't know.
Q Do you deny talking about it? A No sir, might have been talking about something else.
Q This same man Nels is a witness here? A Yes sir.
Q You have talked about it? A Yes sir.
Q You and Andy Fry have talked about it? Yes sir.
Q Are you married? A Yes sir.
Q Certain of that? A Yes sir.
Q I am glad you are certain of something. What year were you married? A Married in '91.
Q Was that the first time you were ever married? A Yes sir.
Q Then you lived single up until that time? A Yes sir.
Q Just went from place to place up there? A No sir.
Q Do you know when the Wallace roll was made? A Yes sir.
Q What year? A Made in 1889.
Q Who told you? A I was there.
Q Did Cale Starr tell you today? A No sir, I was there.
Q Has he ever told you? A Has he?
Q Yes, in the last few days? A No sir, he didn't tell me.
Q Was it ever been discussed? A No sir, I don't know nothing about it.
Q Has it ever been discussed in your presence and hearing? A I have been knowing it.
Q Has it been discussed in the last day or two in your hearing that I was likely to ask that question? A No sir.
Q You never heard the Wallace roll mentioned in the last two or three days? A Might have heard it mentioned but I never kept no count of that.
Q Did you stay on the Bob Daniels place the following year after Bob Daniels returned in the fall? A No sir.
Q How long did you stay there after Bob Daniels come back? A Short time, a week or two, maybe a month.
Q Then where did you go? A Right where we have been living ever since.
Q How far is that from them? A About three miles.
Q What direction? A Why it is northeast.
Q What time did you move up there, what time of the year? A We moved up there in the spring.
Q I thought you said you stayed there a week or two after Bob Daniels come back and he come in the fall? A Well now it may have been, I may be mistaken.
Q It is a long time ago aint it Mon? A Yes sir.
Q You were a small boy at that time? A Yes sir.
Q You had no reason to fix these things on your mind and you didn't know you were going to testify about 40 years afterwards? A No sir.
Q So you might be mistaken about it? A Yes sir.

BY MR. STARR:
Q When did you say you were born? A '51.
Q You were about 15 years old at that time? A Yes sir.
Q How was it in the fall of 1866 or fall of 1867 that you moved off the Daniel place? A It was in the fall--
Q Was it the fall after you went to school to Cynthia Lynch? A Yes sir.
Q Was it the fall after Harvey Frye died? A Yes sir, we were living up where we live now when Harvey Frye died.
Q Where were you living when Harvey Frye died? A Living where I live now.

Q Well now at this time that Harvey Wrye died were you going to school at this Dr. Thompson place? A Yes sir.
Q Was Andy Wrye and his family living in the Dr. Thompson house then? A Yes sir.
Q How about the school when Harvey died, did they teach school that day? A No sir.
Q Turned out school on that occasion? A Yes sir.
Q Did the pupils going to school attend the funeral? A Yes sir.
Q Was Mike Moore at that funeral?

Mr. Hastings: I want to object to these leading questions.

On Behalf of the Commissioner: The objection will be noted.

A All of us, yes sir, he was going to ~~xx~~ school.

BY MR. HASTINGS:
Q That was after you moved off of the Bob Daniel place? A Yes sir.
Q And that was after Bob Daniel had moved into the same house you moved out of? A Yes sir.
Q About how long after that? A It was along in February, that spring, the spring of '67
Q It was along in the spring after you moved away from the Bob Daniels place? A Yes sir .
Q And after Bob Daniels had moved back into the house the next spring? A Yes sir.

BY MR. STARR:
Q When did Bob Daniels move up there? A He moved there that fall we moved out as near as I remember.

W I T N E S S E X C U S E D .

SIMON LYNCH, being first duly sworn, testified as follows;

BY MR. PATTEN:
Q What is your name? A Simon Lynch.
Q How old are you? A 76.
Q What is your post office address? A Spavinaw.

BY MR. HASTINGS:
Q Were you ever convicted of larceny in the Cherokee Courts? A Yes sir, I was.
Q Convicted? A Yes sir.
Q Served your time? A No sir, I didn't.
Q Didn't you go to the Cherokee Penitentiary at Tahlequah? A No sir, I went there and stayed about a hour and I was reprieved.
Q Didn,t you work it out for individuals and you worked for Johnson Thompson at Tahlequah? A I was reprieved by the Chief.
Q Did you ever swear that before on the stand? A No sir, but I was.
Q What year was that? A I don't know what year it was.
Q Was it since the war? A Yes sir.
Q How long after the war? A I don,t know.
Q Don't have any idea? A No sir.
Q Was it after the Cherokee Jail was built or before? A Afterwards.
Q How long did you stay in and about Tahlequah? A I stayed there 3 or 4 weeks.
Q How long were you sentenced down there? A Year
Q What Judge tried you? A I forget what one it was.
Q What Chief reprieved you? A Ochelata.

BY MR. PATTEN:
Q You testified I believe didn,t you in the Mayfield that you were pardoned by Ochelata? A Yes sir.
Q Were you acquainted with Mose Hardrick before the war? A Yes sir.
Q Were you acquainted with Butler McNair? A Yes sir.
Q Jeff Lyons? A Yes sir.
Q Tom Moore? A Yes sir.
Q Do you know when was the first time you saw Mose Hardrick after the close of the war, about the time? A I don't know exactly the time.
Q When was it and where was it? A Upon Grand River.
Q About what time of the year? A About in February, I believe, the first of February I think I saw Mose first.
Q Where was he living? A Living over there at Dr. Thompson place right close there in ahouse.
Q When was the first time you saw Jeff Lyons? A Just before Christmas before that.
Q Where did you see Jeff? A Over there in Six Mile Bottom, I was at George Clark's.
Q That was about when did you say? A Just awhile before Christmas.
Q You say you saw Jeff Lyons one place and Mose Hardrick another there, was that on different sides of the River. A Yes sir.
Q Now which one was it that you say that you saw on the Dr. Thompson place? A Jeff Lyons lived there first.
Q And at that time where was Mose Hardrick if you know? A He was camped there until he got that Cherokee house, then he went in it.
Q That was about what time that he was camped on the Creek? A I can't just recollect just what time but then it was somewhere about the first of February.
Q And at that time you say Jeff Lyons was living where? A At Dr. Thompson's place.
Q That was in what year? A That was in '66, winter of '66.

BY MR. HASTINGS:
Q You don't know what year you were tried? A No sir, I don't know nothing about what year I was tried.
Q You don't know what year you were reprieved? A No sir I don't I can't keep no record of that, never did, couldn't.
Q Couldn't do that? A No sir.
Q You don't know one year from another, do you? A Yes sir, I do.
Q Can you read and write? A No sir.
Q You were a slave yourself? A Yes sir, I was.
Q Do you know this Tom Moore that was on the stand awhile ago?
A Yes sir.
Q Where was he living when you saw Jeff Lyons? A He was living at the Bob Daniels place there on the river with his mother and father.
Q Did he move out of there in the fall of 1866? A Who?
Q Tom Moore, A I don't just know when he did move out of there.
Q You don't remember about that? A No sir, I lived at another place.
Q How far did you live from there? A About four miles.
Q Were you married then? A Yes sir.
Q Have you had any children born since? A Yes sir.
Q Since then? A Yes sir.
Q When was the first one born? A I don't know that.
Q How many have you had born since the war? A Three I believe.
Q When was the second one born? A I don't know, I can't tell you.
Q When was the third one born? A I don't know that either, never kept no record of no time.

Q Did you ever have any renters on your place? A Yes sir .
Q What renter was on there in 1883? A I don't know.
Q What renter was on there in 1876? A Nare one, myself.
Q Was any there in 1896? A Yes sir.
Q Do you know when Bob Daniels come back up there? A Yes sir.
Q When? A I don't know when it was, I know he come back up there.
Q On the Bob Daniels place? A Yes sir.
Q Why don't you know when it was, you were in that neighborhood?
A I wan't keep no record of anything of that kind. How I know how old I am is about my owners putting it down.
Q That is about the only date you know? A No sir.
Q You know what year Johnson Thompson come back up there? A I know when he first come.
Q What year did he move up there? A I don't know, I seen him when he first come.
Q What year did he move his family up there? A I don't know.
Q You were just acquainted with him before the war? A Yes sir, knowed him good.
Q He moved right across the river from Dr. Thompson's place? A Yes sir.
Q You belonged to relatives of his? A Yes sir, belonged to his Uncle.
Q Could you tell within two or these years of when he come? A No sir, I don't k believe I could.
Q You douldn't tell within two or three years when Bob Daniels come? A I don't know when he did come, he come way after we did.
Q What year was it that Tom Moore moved off the Bob Daniels place?
A I don 't know.
Q Haven't any idea about that? A No sir.
Q Well was Butler McNair living there at the same time you first saw these people? A He come in about the same time.
Q Before Christmas, 1866? A Yes sir.
Q What was Butler's wife's name? A He didn't b ring her there with him, he left her in Kansas and come down here and made a crop.
Q What was her name? A I forget her name .
Q Did Jeff bring his wife? A No sir.
Q Left her in Kansas did he? A Yes sir.
Q Left Mike in Kansas too? A I don't recollect about Mike.
Q You don't never remember seeing Mike? A Yes sir, I do.
Q How long after you saw Jeff was it before you saw Mike? A I couldn't tell, I don't recollect.
Q Now if any of these other witnesses testified that they brought their families when they come they are mistaken? A Yes sir, they didn't bring them.
Q Well how long after Jeff and Mose come before they brought their families? A After they made a crop, the next fall.
Q When did Tom Moore bring his family? A Fetched them together.
Q In the fall? A Yes sir.
Q So none of them didn't bring their families until the next fall?
A Uncle Butler didn't , the balance did.
Q I thought you said Jeff Lyons didn't bring his family until the next fall? A Well it was just a mistake in me. Them other two didn,t bring their families.
Q Did Jeff Lyons have his wife there when you first saw him? A Yes sir.
Q What was her name? A Mahala.
Q Now you just testified that you never saw Mike Moore until way afterwards? A I didn't say I saw Mike now.
Q Did you ever see him after that? A Yes sir.
Q How long after that? A I don't recollect.

Q A year? A It might have been a year and it might not.
Q When did you see Moses family? A I seen them right along all the time ever since in the fall.
Q Did he have his wife with him? A Yes sir.
Q Did Mose live in that Dr. Thompson house there with the rest of them? A He lived in a Cherokee house.
Q He never lived in a main house there? A I don't know nothing about that.

W I T N E S S E X C U S E D .

TOBE BEAN, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Tobe Bean.
Q What is your age? A About 70.
Q What is your postoffice? A Ketchum.
Q What is your citizenship, are you a citizen of the Cherokee Nation?
A Yes sir.
Q Where were you in the fall of 1866? A Down here on Grand River.
Q What time did you come back? A In the first of the fall sometime, I don't know the exact date.
Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Acquainted with Mose Hardrick? A Yes sir.
Q Did you know Mike Moore? A Yes sir.
Q When did you see Jeff Lyons in the Cherokee Nation after the close of the Civil war? A About in '67.
Q What time? A In February.
Q Where was he at that time? A Over there at that Thompson place in the brick house.
Q Are you acquainted with his wife? A Yes sir, I seed her after, didn't see her at that time.
Q Did you see Mose Hardrick over there? A Yes sir.
Q When was that ? A The same time I saw Jeff.
Q What time was that? A In February.
Q What part of February? A Along about the first of the year.
Q The first of February of 1867? A Yes sir.

BY MR. HASTINGS:
Q Tobe you were a slave before the war? A Yes sir.
Q Your name is Tobias Bean? A Yes sir.
Q You never went to school any? A No sir.
Q You didn't at the close of the war know one year from another?
A Only people would tell me.
Q That is all you have known about it since then? A Yes sir, that is all I know, just what people tell me, had no record or nothing.
Q Never kept any record? A No sir.
Q And you haven't kept any record of this transaction? A No sir.
Q You are just testifying independently of any record? A Just what I know.
Q Did you know young Tom Moore who has testified in here today?
A Yes sir.
Q Where was he living when you first saw Jeff Lyons and his wife?
A Over there on the other side of the river.
Q On the Bob Daniels place? A On the Thompson place I reckon, one of them.
Q On the Dr. Thompson place? A Yes sir.
Q Was he living there when you saw Jeff Lyons and Mose? A No sir, I saw them at Andy Frye's house.

Q Where did you see Tom Moore, this fellow that testified? A He was there in the neighborhood somewhere.
Q At what place was he living? A He was living there, I can't tell you exactly, I saw him at Andy's.
Q Did he ever live on that Bob Daniels place, Tom Moore? A Yes sir, I think he was living there with his step-father.
Q What was this step-father's name? A Lewis Rowe.
Q Was he living there when Bob Daniels returned? A Yes sir, I think he was.
Q When was that? A Must have been in '67.
Q What time of the year? A Along in the spring I guess.
Q Had he moved out of this place before you saw Jeff Lyons and Mose Hardrick? A I don't know whether he had moved or not, I saw him there where Andy Frye was living. I happened over there and saw him.
Q Just happened over there by accident? A I had some business there.
Q You saw Jeff's wife? A I don,t think I did.
Q Never saw Mose's wife there? A No sir.
Q It has been a long time ago hasn't it Tebe? A Yes sir.
Q A fellow 40 years ago when just dependent on his recollection might be mistaken one or two or three years, mightn't he? A Yes sir, sometimes.
Q Have you had any children born since the war? A Yes sir.
Q What year was the first one born? A In '66.
Q What time in 1866? A In April.
Q Where was the first one born, in the Cherokee Nation, what year? That one was born in Kansas? A Must have been born about '80. I think.
Q You are not positive as to the year? A No sir, I aint positive of it. I can't keep any record.
Q When was the next one born? What year? A '78 I think.
Q Which comes first, '78 or '80? A '78.
Q nWell I thought you said just now the one born in '80 was first ?
A That one was born,--the girl was born in '80, the boy was born about '88.
Q ow how far is the Johnson Thompson place from this Dr. Thompson place ? A A couple of miles the way you go around.
Q Just across the River aint it? A Yes sir.
Q When did Johnson Thompson come back? A I don't know.
Q Could you tell within five years? A Yes sir, I guess I could. Come back in about '67 I guess, '68 somewhere along there. I didn,t live right close to where he lived.
Q You lived close to the Dr. Thompson place? A I lived about 8 miles.
Q You didn't see Mose's wife when you went up there? A No sir, not the first time.
Q How long was it that you did see his wife? A It was a way along in the spring.
Q Did he tell you where his wife was? A No sir, I just happened to go by there and saw him, I had been acquainted with him before the war.
Q Now you just remember of your own independent recollection of seeing this fellow when you passed there? A I stopped and talked with him .
Q Do you remember any other man you saw there in the spring of 1867? A Yes sir, Andy Frye.
Q Who else that didn't live there? A Uncle Lewis Rowe.
Q Up at the Dr. Thompson place? A Yes sir.
Q Live there? A No sir, I just went there and stopped and saw him there.
Q In 1867? A Yes sir.

Q Where were you going? A Up to Andy's.
Q I thought you said you were passing there? A I did pass there.
Q Didn't you go to that place? A Yes sir, then I had to go around to get home.
Q Don,t you know Mose and his wife was living in the house then?
A No sir, I never went in the house.
Q Did you see Tom Moore and his wife there, old Tom and his wife
A I don't recollect seeing them.
Q Didn't recollect seeing Butler and his wife? A No sir.
Q You don't recollect that? A No sir.
Q You testified before the Commission at Chelsea on June 12, 1901, in the matter of the application of Ben Adams didn't you? A Yes sir.
Q You testified that his father's name was Warren Adams? A Yes sir.
Q You testified that his mother's name was Ibbie? A Yes sir.
Q And you testified thy they returned the latter part of 1866, didn't you? A It was '67 when I said they returned.
Q Well now what time did you say that Warren Adams and his wife Ibbie, the parents of this Ben Adams, return? A I said in the spring of '67.
Q What time did you say you saw them? A In the early spring.
Q What month? A In March.
Q I will ask you if in answer to this question, referring to Warren and Ibbie Adams, "When did they return," if you didn't answer "In '66, along about the latter part of '66." "They have this child Ben with them when they returned?" Answer, "Yes sir." "Where did they go up on Grand River,""How do you know they returned in 1866," Answer, "I saw them," I will ask you if you didn,t testify to that in that case before the Commission at Chelsea on June 12, 1901? A I think it was '66 or '67.
Q You can say yes or no? A It was '67 I testified to.
Q You swear you didn't say it then? A Well I swear it---
Q And you don,t know when Bob Daniels come back? A No sir.
Q And you don, t know when Johnson Thompson come back? A I was living down the river.
Q They located within a mile of this Dr. Thompson place? A Yes sir.
Q And you can't tell within a year of when they come? A I think it was in the winter of '66, I would not be certain, I couldn't swear to it, I don't recollect of these things like you folks.
Q Who asked you first to testify in this case? A I don't know who. I have been testifying ever since Bob Daniels' Court.
Q Bob Daniels was the man in the Court and he owned Mahala Jeff Lyons' wife? A I guess he is the same man.
Q Now you claim that this Jeff Lyons came back there within a mile of his wife's old owner, Bob Daniels? A Yes sir.
Q Bob Daniels was an educated man? A Yes sir.
Q On the Supreme Bench of the Cherokee Nation? A Yes sir.

W I T N E S S E X C U S E D .

Mr. Starr: The applicants ask to introduce the testimony of this witness in the cases of the descendants of Jeff and Mahala Lyons and Mike Moore in reference to the return of the wife of Butler McNair, and the wife of Thomas Moore.

NELSON MOORE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Nelson Moore.
Q What is your age? A Will be 53 my birth day.
Q What is your post office? A Ketchum.

Q Were you acquainted with Jeff Lyons during his life time? A Yes sir.
Q Were you acquainted with his wife? A Yes sir.
Q What was her name? A Mahala.
Q Were you acquainted with Mike Moore? A Yes sir.
Q Are you acquainted with the applicants, Altha and Oscar Moore?
A Yes sir.
Q Who is their father? A Mike Moore.
Q Are you acquainted with Butler McNair? A Yes sir.
Q Acquainted with his wife? A Yes sir.
Q Acquainted with Tom Moore? A Yes sir.
Q His wife? A Yes sir.
Q Did you see Jeff Lyons after the close of the Civil War in the Cherokee Nation? A Yes sir.
Q When was that? A The first time I remember seeing Jeff was in the latter part of December or first of January, '66.
Q The latter partof December, 1866? A Yes sir.
Q Or January? A January first.
Q The following January after December, 1866? A Yes sir.
Q Where was he then? A On the Dr. Thompson place.
Q Who did he have with him? A His wife, Mahala, and Mike Moore.
Q And who else? A Agirl named Anika, his stepdaughter.
Q How long did he stay over there? Did he bring Mike Moore to the Cherokee Nation with him? A Yes sir.
Q How long did he stay on that Dr/ Thompson place? A He made a crop there.
Q What year did he make a crop on the Dr. Thompson place? A '67.
Q Did you see Butler McNair at any time down there? A Yes sir.
Q When was that? A That was in the same year.
Q What time did he come? A He come along about the winter time too.
Q Who come with him? A Uncle ToM.
Q Tom who? A Moore.
Q Who else? A Why there was several of them, I don't remember who all were with them at that time.
Q Did he come the same time Jeff Lyons came? A Yes sir.
Q Now when did Tom Moore's wife come? A In the fall after that, of '67.
Q When did Butler McNair's wife come? A The same time after they made a crop in '67.
Q Where did Tom Moore move to after he left Dr. Thompson's place?
A Right out about a half a mile south of there and made a new place there.
Q Make a place of his own? A Yes sir.
Q How long did he live there? A Why he lived there up until he died in '85.
Q You say a girl named Anika was stayin with Jeff Lyons? A Yes sir
Q Did you see a woman named Peggie Durant with that crowd? A No sir.

BY MR. HASTINGS:
Q You are the same Nelson Moore who testified in the case of Moses Hardrick before the Commission to the Five Civilized Tribes on February 5, 1902, are you? A Yes sir, I guess I am the same fellow.
Q You gave your age 4 years ago as being 48 and your post office Ketchum A Yes sir.
Q And your District Delaware District? A Yes sir.
Q You are the same Nelson Moore who testified in this case at that time? A Yes sir.
Q Are you related to Mike Moore? A He is a half brother of mine.

Q When were you spoken to to come here as a witness in this case today? A It has been a good while.
Q Who did you talk to about it? A Why the little boys, Alf and Oscar first asked me.
Q Did you after wards talked to Mr. Starr or Patten? A Yes sir, I talked to Mr. Starr some about the case.

W I T N E S S E X C U S E D .

ARTHUR BEAN, being first duly sworn, testified as follows:

BY MR. PATTEN:
Q State your name? A Arthur Bean.
Q How old are you? A 63.
Q What is your post office address? A Chaffee, Indian Territory.
Q Were you acquainted with Moses Hardrick before the war? A Yes sir.
Q Were you acquainted with Jeff Lyons? A Yes sir.
Q Were you acquainted with Tom Moore? A Yes sir, I got acquainted with him since the war.
Q Do you remember of seeing Jeff Lyons in the Cherokee Nation after the close of the war? A Yes sir.
Q When was the first time you remember of having seen him? A I guess it was along in the winter after Christmas a awhile.
Q The winter of what year? A I guess it must have been '67 when I seen Jeff Lyons.
Q You meanthe winter? A Of '67.
Q You mean that was following the Christmas of '66? A Yes sir.
Q Where did you see him? A Down to,--I seen Mose down in that country.
Q Mose who? A Mose Hardrick.
Q Where did you see him? A Down to Uncle Fred Martin's.
Q Where is that? A Down to Greenbriar.
Q Where was Mose living at that time, do you know? A He said up in the Arsenie settlement.
Q Where was it? A About 8 miles above where we were.
Q When was the first time you saw Jeff Lyons? A Along about that time, sometime about then. I didn't see Jeff the time I seen Mose, saw Jeff later on.
Q At what place did you see him? A I don't know just exactly what place that was but it was somewhere down there about Uncle Griffin, Grand-dad Griffin was his name, he lived across the River in the Six Mile Bottom.
Q These times you fix as seeing Mose Hardrick and Jeff Lyons is about when? A About February I suppose.
Q Of what year? A '67 I guess.
Q Do you know where Tom Moore and Butler McNair were at that time?
A No sir.
Q When was the first time you saw them? A I never seen them until way after that.
Q Didn't see him until later on? A No sir, I wasn't acquainted with them until after that.

BY MR. HASTINGS:
Q You never saw neither Mose nor Jeff until February , 1867 ? A Yes sir.
Q That is your first time? A Yes sir, as well as I recollect.
Q You are now testifying from your independent recollection, you haven't got anything to guide you by? A I never did have nothing to guide me by, only what I have to testify about.

Q That has been a long time ago? A Yes sir, so it has.
Q And it is pretty difficult to testify about things that happendd, without some special note be made of them? A Yes sir. I can think of a good many things done before the war.
Q Can you read and write? A No sir.
Q You were a slave before the war? A Yes sir.
Q Where was this young Tom Moore living when you first saw Mose and Jeff? A I don,t know sir, he must have been living with his Uncle Tom.
Q Were you acquainted with Mose before the war? A Yes sir, lived about two miles of him.
Q Before the war? A Yes sir.
Q Are you a brother of Tom who was on the stand awhile ago? A Yes sir.
Q And Joe? A Yes sir.
Q When were you first talked to about testifying in this case? A I never talked about it to no one more than Uncle Mose asked me to come down on his case.
Q When? A About a year ago I guess. I never went before the Commission on Moses case at all and he asked me to testify for him in the case.
Q Where were you when he asked you? A I don't know where we met very frequently at Vinita.
Q What month was it he asked you to testify? A I don't remember what month that was.
Q And that was about a year ago? Yes sir, and I didn't know any more about the case until he come to me and told me.
Q You don,t remember what month it was? A No sir.
Q If you can't remember a month that happened a year ago how is it you can remember things that happened forty years ago? A 40 years ago, because it strikes my mind more than them do now.
Q You were about 23 years old then? A Yes sir, I guess so.
Q Are you married? A Yes sir.
Q When were you married? A I guess in about '68, I guess, or '67.
Q You don't remember the year? A No sir.
Q You couldn't tell that? A I douldn' tell, I have got it in my book.
Q But you cannot tell that independently? A I was married in '68 if I mistake not.
Q Was it 1867 or '68? A I think it w s '68.
Q Are you positive about it? A I am pretty near positive but I wont be sure. If I was at home I would tell you, I would go by my book.
Q You are not willing to trust your memory as well as you are the book? A No sir.
Q If it wasn't for the book you couldn't tell? A I recollect back when I was a little slave boy.
Q I am asking you now when your first child was born? A I couldn't tell x about that.
Q How many children did you have? A I got two children living and 6 or 7 or 8 dead.
Q When did your first child die? A That has slipped my remembrance
Q It has been a good long while? A Yes sir.
Q You couldn't trust your recollection to that could you? A No sir.
Q A man uneducated and a slave couldn't trust his memory to dates, could he? A No sir, not what year.
Q And you don't know when any single one of them were born? A I know one of them was born in February, but I don't remember the year.
Q When did Bob Daniels come back up in that country? A About '67.

Q What time in 1867? A I don,t know just what time.
Q In January? A It might have been January, but it was in that year sometime I think.
Q Well do you think it was in January or December? A I don't know, I couldn't say which year it was. It might have been in September and it might have been in October, I don't know just what time it was.
Q You said it might have been in January awhile ago? A It might have been and it might have been some other month.
Q What time did Johnson Thompson come back up there? A I don't remember just what time he come.
Q You don't remember the year? A No sir.
Q You don't remember on whose place this fellow Tom Moore lived on in the year of 1866? A No sir, I don't know anything about that. I wasn't acquainted with those boys, Tom Moore and old man Moore then.
Q Never saw Butler McNair for a long time? A No sir, there was two, Butler McNair, old man, I never saw him for quite a while.
Q How long afterwards before you saw old Tom Moore? A Not very long.
Q Five years? A I guess it might have been a shorter time than that.
Q Your best judgment, what was it? A I don,t know anything about when I seen Tom.
Q Well now your brother Joe married? A Yes sir.
Q What year did he marry in? A I couldn't tell you that, he has been married twice.
Q Do you know when he married either time? A I know he was married but I don't keep affairs of his marriage contract, if I could keep record of these things, I could remember them.

W I T N E S S E X C U S E D .

ANDY FRYE, being first duly sworn, testified as follows:

BY MR. STARR:
Q What is your name? A Andy Frye.
Q What is your age? A Either 73 or 74.
Q What is your post office? A Ketchum, Indian Territory.
Q Where were you living in the fall of 1866? A I was living across the river there east of where I live.
Q On what place were you living? A I was living on the Thompson place.
Q Known as the Dr. Thompson place? A Yes sir.
Q What time did you move on to that place? A I moved there in October.
Q What year? A '66.
Q Are you acquainted with the applicant, Moses Wardrick? A Yes sir.
Q Were you acquainted with him when the war came up? A Yes sir.
Q When did you see him after the close of the Civil War? A See him in '66,--along in '67.
Q Where was it you saw him in 1867? A He moved in there on Dr. Thompson,s place along in February, '67.
Q What time in February? A Along about the first of February.
Q How long did he live on the Dr. Thompson place? A He made one crop there.
Q Where did he go to from there? A Just south of there, I don,t know how far.
Q Where did you move to from the Dr. Thompson place? A I moved a little southwest of there, right south of the place in the River bottom.

Q Bob Daniels is the same man that sat on that Court in 1871? A Yes sir.
Q And he owned this Mahala Lyons? A Yes sir.
Q And you say they come before any of these others that you have mentioned? A Yes sir.
Q You are positive about that? A Yes sir, I am positive, I know they did.
Q Where did Jeff and Mahala live the first winter? A Why Jeff moved over there, camped over there on Kell's place, and stayed there in camp and Kell come in about the time Jeff come in.
Q Did Jeff work for Kell over there a while? A Yes sir.
Q About how long? A About three weeks.
Q That runed him over to the spring? A Runed him over until along in Janaury.
Q Then where did he go? A Come over to see me and wanted to see if he could get any place to make a crop.
Q Well did he come over there? A Yes sir.
Q Did you permit him to make a crop over there? A Yes sir.
Q When did he move over to your house? A He moved over about the first of February.
Q Then he never lived at your house before the first of February, 1867? A No sir.
Q Then if any of these witnesses testified that he was living there in your house on the Dr. Thompson place prior to that time, they are mistaken are they? A Well he never lived there, because he never come there until the first of February.
Q Never come there did he? A He come in January to see me.
Q Never come there to live? A No sir, not until the first of February.
Q How far is the Lewis Kell place from the Dr. Thompson place? A It must be between 4 and 5 miles.
Q The same time they were living up at your place Bob Daniels was down there and he was the old owner of this Mahala? A Yes sir.
Q How long after that before Butler McNair come? A He come back in the spring of '67, along in Febraury, somewhere. Come in time to make a crop.
Q Well if Judge Clark and Nels Moore say he come there after the grass began to grow in the spring of 1867, are you prepared to dispute that?

Mr. Starr: Objected to for the reason that the testimony of Judge Clark does not show the statement of facts as stated by Mr. Hastings.

On Behalf of the Commissioner: The objection will be noted.

Q No sir, I want dispute it because the grass was there early that spring. We had green grass about all winter.
Q You wont dispute that? A No sir, we had green grass all winter.
Q Then none of these four people lived in that house with you that winter before February? A No sir, I don't think there was a one there before February 1, '67.
Q You have got nothing in which--no book to indicate it was the first of February, or March, or last of January? A No sir.
Q You are just guessing at it? A Yes sir.
Q Using your own independent recollection? A Yes sir, I think it was about that time.
Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
Q And you don't know when Bob Daniels come back? A I don't know the date he come back.

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

Q Who moved on to the Dr. Thompson place after you moved away?
A Mr . Parks.
Q Were you acquainted with Butler McNair? A Yes sir.
Q When did he come down in that part of the country where you were living? A He come down there in '67, in the spring of '67.
Q What time in 1867, what month? A Along in February.
Q Did he have his wife with him? A No sir.
Q What was his wife's name? A Betsey.
Q Where was she then? A In Kansas.
Q When did she come? A She come along in July or September, somewheres along there.
Q Did Butler come back after her? A Yes sir.
Q No w when Tom Moore came, when was that? A Him and Butler come together.
Q Did Tom Moore bring his wife? A No sir.
Q When did she come? A The same time Butler went back and brought her. They went and come together.
Q Now where did Tom Moore go to after he moved off the Dr. Thompson place? A He built him a house right south of there between that and old man Daniels place.
Q Built a home of his own? A Yes sir.
Q He and his wife live down there? A Yes sir.
Q Did you see a woman named Peggie Lynch or Durant down in there at that time? A No sir.
Q She didn't come with that crowd at that time? A No sir.

BY MR. HASTINGS:
Q Jeff Lyons didn't come with them did he? A He come before they did.
Q What is Jeff's wife's name? A Mahala.
Q Did he have his wife with him? A Yes sir.

Mr. Starr: The applicants object to the testimony concerning Jeff Lyons, he testified before along that and it was gone into fully.

On Behalf of the Commissioner: The objection will be noted:

Q What time did Jeff Lyons bring his wife down her? A It was along in December, sometime before Christmas.
Q Then Jeff and Mose didn't come together? A No sir.
Q Mose come after that? A Yes sir, he come after Jeff come.
Q When did Mose bring his wife down there? A Mose brought his wife with him when he come.
Q The first time? A Yes sir.
Q That was in the spring of 1867? A Yes sir. I don,t know, it might have been along about the first of February, it was after Christmas.
Q It might have been as late as March when the grass come up? A Yes sir but I think it was in February.
Q You are not positive as to that? A I cannot keep the dates.
Q If Nels Moore testified he come about the time grass comes up in the spring of 1867, you think he is about right? A I don't know.
Q You don,t want to contradict that? A I wont contradict nothing.
Q This Mahala was a slave of Bob Daniels? A Yes sir.
Q And he moved up there right after the war? A I don't know, he moved there after I went there. I don't know how long it was before he come.
Q How far was it from you where he located? A Only about a mile and a half.
Q And you don't remember just when he come? A I don't remember just exactly but I think it was in '67, I aint certain.

Q Bob Daniels is the same man that sat on that Court in 1871? A Yes sir.
Q And he owned this Mahala Lyons? A Yes sir.
Q And you say they come before any of these others that you have mentioned? A Yes sir.
Q You are positive about that? A Yes sir, I am positive, I know they did.
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Q About how long? A About three weeks.
Q That runed him over to the spring? A Runed him over until along in Janaury.
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Q Well did he come over there? A Yes sir.
Q Did you permit him to make a crop over there? A Yes sir.
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Q You are just guessing at it? A Yes sir.
Q Using your own independent recollection? A Yes sir, I think it was about that time.
Q And you are not right certain about it, you are just testifying from memory? A Yes sir.
Q And you don't know when Bob Daniels come back? A I don't know the date he come back.

Q You don't know when Johnson Thompson come back? A No sir, but I think he come back before Mr.Daniels.
Q What time do you think Johnson Thompson come back? A I couldn't say I know he was there first.
Q Do you know whether he come in 1867 or '68, or '69? A He must have come in the fall of '66.
Q Did you testify before the Commission at Vinita on May 18, 1901, in the matter of the application of Sam Landrum for the enrollment of himself, wife and children? A Which Sam Landrum, there a are two or three Sam Landrums?
Q The one whose post office address is Spavinaw? A I don't know, it seems like to me I did.
Q You don,t know whether you testified in that case? A I don't know, I might have, I think I testified for him somewhere.
Q Did you know the father of Sam Landrum? A If it is the one I am thinking about, it is Dan Landrum.
Q It is this same one whose father is Dan Landrum commonly known as Bony Dan? A Yes sir, that is the fellow.
Q You testified did you in that case? A Yes sir.
Q You testified when he come back, that he come back in 1866? A Yes sir, he come back in '66.
Q You are the same party who testified in that case? A Yes sir, I t s tified for Sam.

BY MR. STARR:
Q Bony Dan did come back in 1866? A Yes sir.
Q Did you have a child to die after the close of the war? A I had one to die, two or three but since then.
Q One named Harvey? A Yes sir.
Q When did he die? A March 11, I believe.
Q What year? A That was in '67.
Q Who dug Harvey's grave? A Jeff Lyons.
Q Now where did Jeff Lyons live before he went on this Kell Place? A He wasn't living anywhere, only in camp, he camped over on Cabin Creek.
Q Had been camping there prior to when he went on Kell's place?
A Yes sir.
Q What was your next child's name that died? A Lula.
Q When did she die? A In '67.
Q What date? A Along in September, I don,t know exactly the date.
Q Who dug this grave? A I don't remember, I believe Lewis Rowe.
Q You are not certain about that? A No sir.
Q When did the next one die? A I couldn't tell, he was grown and married and had a wife and one child.

BY MR. HASTINGS:
Q You don't know what year he died? A I don,t know.
Q Who dug his grave? A There was several of them dug it. After we brought him home the neighbors just turned out and dug it.

BY MR. STARR:
Q Did you ever testify before the Commission something about getting a mule, you and Cap Hicks? A Yes sir, I testified that Aaron Martin give us a mule.
Q Explain that mule deal? A I had witnesses for him once before and he never paid me nothing, and he wanted me to witness for him again in this Court and I told him he would have to pay me the money, or put up something as good as the money.
Q What did he do? A I told him I couldn't afford to lay there without any pay and come from home for nothing.
Q Did you and Hicks get the mule? A Then he told me he had to have another witness and he give us that mule for our expenses and our witness fees.

Q How long did you attend before the Commission at that time? A There about two weeks efore we got into it.
Q What was the mule worth? A I give Dan Tucker $12.50 for his part.
Q What part did he have? A I had $12.50.
Q The mule was worth $25.00? A Yes sir.
Q Have you testified for the Cherokee Nation since then? A I testified once for them down here.
Q What did they give you? A They allowed me $12.50.
Q How long did you attend the Commission then? A I think I was two or three days, about three days I think .
Q Now that three days attendance, yourmilage and time for the Cherokee Nation amounted to $12.50, did it? A Yes sir.
Q And about two weeks attendance in this other case, your milage and time only amounted to about $12.50? A That is all I got out of the mule.

BY MR. HASTINGS:
Q Did the Cherokee Nation pay you anything more or offer to pay you anything more than $2.00 per day, and your milage? A Mr. Bell told me to make it 4 days, and I didn,t claim anything.
Q Who paid you? A Roland brought the check to me and we went down to the back and got themoney.
Q Did you sign a pay roll? A No sir.
Q When was that? A It was along, I can't tell what time but I sure come down here, it was when that Crap Lynch's daughter, Bettie Cash was up.
Q Did Cale Starr give you that check? A No sir.
Q Wasit while he was a stenographer for the Cherokee Nation? A I didn't know, he was an official for the Cherokee Nation.
Q Didn,t you never know he was? A No sir.
Q Never heard of it? A No sir, never heardof him being an official for the Cherokee nation. I know he was called an Attorney at Law but I never knew he was an official.
Q You never heard of that? A No sir.
Q Well whose name was signed to that check? A I don't know sir? I never lookedon the check to see whose name? Me and Roland went to the bank and he shoved his in and I shoved mine in and we got the money.
Q Do you know when it was? A I don't know, you know when that case of Be ttie Cash was up.
Q Did the Cherokee Nation ask you to swear anything else but the truth in the Bettie Cash case? A Only the truth and that is all I swore.
Q Was the amount you got what you were entitled to for your time and milage, how far do you live from Vinita? A I considered that paid me for the time and milage.
Q How far do you live from Vinita? A 14 miles.
And it is 65 miles from Vinita to Muskogee, in the neighborhood of 80 miles, and you say you got a check for $12.50? A Yes sir.
Q And you got pay for 4 days? A That is what he told me to claim, and I told you I didn,t claim nothing.
Q Didn't you sign a pay roll? A I don't think I did. I never seen the check until Roland give it to me.
Q Did you sign a pay roll? A I never signed nothing.
Q Do you swear that? A I never signed nothing.
Q You sign your name don't you? A No sir.
Q Did you touch the pen to it? A No sir. I never seen the check until Roland give it to me.
Q I am talking about the pay roll? A What pay roll?
Q The pay roll so that the check might issue on it? A I don't understand it yet.
Q You can't sign your name? A No sir.

Q Then you don't know how much the amount of the check was? A The amount must have been that, they give me the money.
Q You came from your home and went up to Vinita and took the train and you were out a day there and a day here and a day going back, then you were out three days and 80 miles? A Yes sir.
Q And according to that you were out three days and 80 miles and you didn't get but $12.50? A That was all.
Q Did you make those other fellows you have testified for pay you? A Which?
Q You have testified in a good many cases? A Yes sir, they paid me.
Q All of them? A Some of them did and some didn't.
Q How much did you get in the gam Landrum case? A I have forgotten.
Q What other case? A There was several cases, I don't recollect who I did witne s for.
Q You don't remember any other cases? A No sir.
Q Now you said awhile ago when it wasn't taken down that you thought the mule was worth more than $25.00 at the ti e you took it? A I said I couldn't get more than that because he was balky.
Q What did you think he was worth when you were getting it? A About $30.00.
Q And you s ld it $5.00 cheaper? A Yes sir, he wouldn't pull an empty wagon.
Q Then you made a business of charging all those fellows you testified for? A Yes sir, I charged them, some paid me, and some didn't.
Q Were some to pay you in the event they got on? A They promised to pay me, didn't say when. May be they will pay me yet.
Q Were any to pay you after the cases were decided? A I don't know whether they were or not.
Q Do you remember any other case that you testified in? Did you testify in the Alexander Rowe case? A Where did he live?
Q Post office Ketchum? A No sir.
Q Never testified in that case? A No sir.
Q Well he never paid you nothing? A No sir.
Q Did you testify in the Aaron Martin case? A Yes sir.
Q Is that theone you got the mule in? A Yes sir.
Q Did you testify in the Sarah Ann Martin case, or was that a part of the Aaron Martin case? A No, thatwas separate.
Q What did you get in that case for testifying? A I don't recollect, got two or three dollars from Sarah Ann.
Q Did you testify in the Elias Downing case? A No sir.
Q You swear you didn't testify in that case? A I don't think I did. I aint going to swear nothing unless I know what I am swearing.
Q Now do you know? A I don't know whether I did or not, I cannot recollect, it has been so long.
Q Did you testify in the Peyton Martin case? A Yes sir.
Q Did hepay you? A Yes sir, three or four dollars.
Q Do you know, do you remember how much he paid you? A About three dollars.
Q You just followed this Commission from place to place and stayed there in constant attendance in order to testify while they were at Vinita and Chelsea? A I testified for Aaron Martin folks at Vinita.
Q Is that the only place you testified? A Never testified for any one in Chelsea in my life. When I would go home they would come after me and maybe they would come about twice or three times before I would go, because I have to work.

Q How much did Aaron promise to pay you the first time you testified and didn't pay it? A He promised to give me $10.00 for witnessing for his family.
Q Where were you going to witness at? A In the Kern-Clifton Court.
Q Witness for him then for $10.00? A Yes sir.
Q And you didn,t get it? A No sir.
Q How long did you stay up there at Vinita witnessing before this Commission when it was there? A I didn't say there all the time, I went back and forwards.
Q What was the longest you ever stayed up there? A Not over two days at a time.
Q How long were you there when you testified for Aaron? A About two days then, I went home and come back again, I believe I went back and forward 3 or 4 times before the case come up, then I witnessed for them.
Q Did you get any other mules in any other cases besides that one? A No sir, mules were two high, I couldn't go and get a mule every time.
Q What is the cost you ever got for witnessing in a case? A That mule was the biggest salary I ever get for witnessing.
Q What did you get from George W. Lynch for witnessing for him whosepost office is Vinita and whose age was then 48? A I don't think I witnessed for George W. Lynch.
Q You don't think you ever witnessed for him? A No sir.
Q Did you witness for Harriet Tucker? A She was inthe Aaron Martin family.
Q Did your wife ever get anything for testifying in these cases? A She got two or three dollars from some of them.
Q It was yourhabit to make them pay you in the case in which you testified? A Yes sir, I wanted my time.
Q Didn't make any difference, if you were there you made them pay you when you went in to testify? A No sir, if the Commission ordered me I never made them pay me.
Q If you were hanging around you charged them if you testified? A No sir, ifthey wanted me to testify for them I went in and testified.
Q Who are paying you now? A These men got me to come and witness for them, I expect them to pay me.
Q How much did they say they would pay you? A I don't know, they haven't said.
Q Did they pay your fare? A Yes sir.
Q Who? A This man.
Q Who are these men? A Starr & Patten.

BY MR. PATTEN:
Q In the case you testified in, in which you got a mule to secure you for your fees, did you promise or agree to tell anything else besides the truth for receiving that mule? A No sir.

W I T N E S S E X C U S E D .

THOMAS H. MOORE RECALLED:

BY MR. PATTEN:
Q State your name? A Thomas H. Moore.
Q Did you testify in this case awhile ago? A Yes sir.
Q Is there any other statement that you desire to make other than what you have made? A Yes sir.
Q What is it? A I want to withdraw one I made a statement in '66, I want to make it '67.
Q What was that about? A Bob paniels moving in in '66, in '67 is when he moved in.

BY MR. HASTINGS:

Q Who did you talk to about this since you left the stand? A I got to studying it over myself.

Q You talked to Mr. Patten about it? A Just now, yes sir.

Q Before you comeback on the stand? A No sir.

Q You swear that you haven't talked to him out there in the hall before you come back on the stand? A No sir.

Q How did he know, how did he come to call you back here then? A I come back myself. I got to studying about where we were at that time and I knew that I made a mistake.

Q Wereyou not right out there when Andy Frye was on the stand and heard him? A No sir, I didn,t see him. I got to studying about where we were living at that time and knewed it was in '67 because we come from there down to this school house.

Q All these witnesses are out here in the hall? A Yes sir.

Q You have all been talking about it out here in the hall? A Yes sir.

Q You have talked to Starr or Patten out here in the hall about this case? A No sir.

Q You testified that you saw Mose Hardrick here in the winter of 1866, in February? A '67 I mean.

Q You swore awhile ago 1866 and Mr. Patten askedyou over and over?

A I know I did, that is what I am trying to get straight. We lived up where I live now and we come down to this school all this time.

Q Mr. patten asked you to be positive whether it was '66 or '67 and he asked you a number of times, and didn't you say it was in February, 1866? A I did and it was a mistake, if I said so I didn:t mean to say it.

Q How long was it after you left the stand before you found out the mistake? A I got to studying about where we lived at and where I live now and when I come to this school, back and forwards and it was in that year.

Q Then it was in the fall of 1867 instead of 1866 that you moved over there? A Yes sir.

Q And it was in the fall of 1867 Bob Daniels moved in and you out?

A Yes sir.

Q You are certain that that was November I believe you said? A Did I say November.

Q You said fall, October or November? A It was in that fall anyhow.

Q Of 1867? A Yes sir.

Q That is when Bob Daniels moved his family up there? A Yes sir.

W I T N E S S E X C U S E D .

A P P L I C A N T S R E S T .

The following testimony was taken on behalf of the Cherokee Nation.

Mr. Hastings: For the purpose of impeaching the witness Andy Frye we desire that the judgment of the Commission and the action of the Secretary thereon in the Sam Landrum case, Freedman doubtful 292 be made a part of the record in this case.

Mr. Starr: The applicants object to the introduction of the judgment and the record in the Sam Landrum case.

On Behalf of the Commissioner: The objection will be sustained.

On Behalf of the Commissioner: Attorneys for applicants and Cherokee Nation agree that a statement showing the present status of the Cherokee Freedman enrollment case of Sam Landrum be made.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, the applic ation of Sam Landrum for the enrollment of himself and family as Cherokee freedmen was affirmed by the Secretary of the Interior on December 5, 1903 (I.T.D.8326-1903), and that a motion said case was filed May 29, 1906.

ELIZA A STROUT, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Eliza A. Strout.
Q How old are you? A 50.
Q What is your post office? A Vinita.
Q What was your maiden name? A Daniels.
Q Were you a daughter of Bob Daniels? A Yes sir.
Q Isxx he the same Bob Daniels who was a member of the Supreme Court in the Cherokee Nation in 1871? A Yes sir.
Q You are a Cherokee by blood? A Yes sir.
Q Through who do you get your Cherokee blood? A Father and mother both.
Q Did your parents own some slaves before the war? A Yes sir.
Q Did you know at any time a negro woman by the name of Mahala, who afterwards married Jeff Lyons? A Yes sir.
Q Did you know her before the war? Yes sir, I can remember her before the war, that is before she left us.
Q Who did she belong to? A My parents.
Q Did she have any children before the war? Yes sir.
Q What was the child's name? A She had one named Wash, I don't know whether I know them all or not, and one named Peggy and one named Anaka by a man named Lynch, who left the country, and after that she had this Mike Moore.
Q He was born before the war? Yes sir.
Q He was a slave of your parents? A Yes sir.
Q She wasn't the wife of Jeff before the war? A No sir, she came back here with Jeff.
Q How did you people leave the Cherokee Nation during the war? A Yes sir, we went to the Choctaw Nation.
Q Now when did you folks come back from the Choctaw Nation to the Cherokee Nation and where to first? A When we first come back we come to Tahlequah in the fall of 1866 and we stayed there all winter and then come back up home on Grand River in March, 1867.
Q How far was your home place from what was known as the Dr. Thompson place? A Just about a mile.
Q Was it on the same side of the river? A Yes sir, on the east side
Q And about a mile from the Dr. Thompson place? A Yes sir.
Q Did you know Johnson Thompson? A Yes sir.
Q He was a Cherokee? A Yes sir, he married my sister.
Q Do you know where the Johnson Thompson place was? A Yes sir.
Q Where was this Dr. Thompson place with reference xxx to your father's place and the Johnson Thompson place? A It was right between the two.
Q Then you had to go by the Dr. Thompson place in order to go to your Aunts, who was Mrs. Johnson Thompson? A Yes sir, on the road, went right by the house.
Q Did you visit backwards and forwards frequently? A Yes sir.

Q Now was Mahala and Jeff Lyons back up there in that neighborhood at the Dr. Thompson place or any other place when you people moved up there? A We never did see her.
Q Was she in that neighborhood at that time? A No sir.
Q She was your old slave?? A No sir, she was not there.
Q Could your old slave have been there at that Dr. Thompson place, and you pass backwards and forward from your place over to your aunts visiting, as you frequently did, without your knowing it?
A No sir, I don't think she could.
Q Your father is the same person who was a member of the Supreme Court and passed upon this case in 1871? A I don't know whether he passed on it or not, I guess the record shows it.
Q He was a member of the Supreme Court in 1871? A Yes sir.
Q Was he living there in 1871 on this place, did he continue to live up there? A Yes sir, my father died in 1872.
Q He lived there until he died? A Yes sir.
Q You know how long afterwards before you first heard of Mahala coming back there? A No sir, I don't know exactly how long but I don't think it was right soon. I am pretty certain it was not.
Q It was sometime? A Yes sir, I don't know but I always thought it was 1868.
Q Did you hear after they come back where they come from? A It was always my impression they come from Kansas.
Q That was your impression from knowledge you gained at that time?
A Yes sir.

BY MR. PATTEN:
Q I believe you say you are about 50 years old? A Yes sir.
Q How old were you at the close of the war? A I guess I was about 12 years old when I come home.
Q When was that? A I just now said it was in 1867.
Q What time of the year? A In March when we come down on the river.
Q You say Mahala was the slave of your father? A Yes sir.
Q You say she had one child before the war? A She had more than one.
Q Can you give the name of one? A She might have had more than I know of.
Q You remember of them before the war? A Yes sir, I remember seeing them, said they were her children.
Q How old were you at that time? A At what time.
Q Just about the time you say she had these children before the war? A What difference does it make if I told you how old I was and when I was born.
Q I asked you how old you were about the time the war began? A I guess I was about 6 or 8 years old.
Q That has been about 45 years ago now hasn't it? A Yes sir, in 1861.
Q And you were about 6 years old at that time? A I guess so.
Q And you remember things that occurred, that happened, when you were 6 years old, that occurred 45 years ago? A I remember when Mahala left us, it was during the war.
Q And you were only about 10 years old at the close of the war?
A I can remember when I was 6 years old.
Q Whose slave did you say Mahala was? A I guess she belonged to my father and mother both.
Q Did she belong to them at the commencement of the war? A Yes sir.
Q And they were Cherokee citizens ? A Yes sir.
Q Now you say you come back home there in the spring of 1867, in March? A Yes sir.

Q Do you know where Judge Clark was living when you came back?
A Yes sir, he was living right across the river from us. If he wasn't living there when we come back he was pretty soon because I remember him and his wife coming to our house to visit us.
Q Do you remember where L. F. Bell was living when you come back?
A No sir, I know where he lived afterwards.
Q Where you moved to when you come back how far was that from the Dr. Thompson place? A A mile.
Q How frequently were you by the Dr. Thompson place? A I don't know whether we went every day or not, but we went often because Johnson Thompson,s wife was my mother's sister, and so was Dr. Thompson's wife.
Q Did you go by the house? A Yes sir.
Q Was it on the road? A Yes sir, of course it was on the road.
Q Who lived on the Dr. Thompson place at that time? A I don't know who all, there was a lot of darkies living there.
Q Can you name them? A I knowed Andy Frye and Al Lynch.
Q Who else? A I don't remember anybody else.
Q Can you give the names, are you certain that Al Lynch lived there? A Yes sir, I used to see him, I don,t think he was married then.
Q You are certain that was the spring of 1867? A Yes sir.
Q Who else besides Addy Frye and Al Lynch? A I don't remember There was an old colored man named Tobe Schrimsher.
Q Were there any one else besides those three? A I don't remember anybody else.
Q Do you remember whether Butler McNair was there? A I don't know anybody by that name.
Q Or Tom Moore? A Yes sir, I know him, he wasn't living there.
Q Old man Tom Moore? A Yes sir.
Q How do you know he wasn't living there? A Because I didn't see him.
Q The fact that you didn't see a certain person in a certain neighborhood is conclusive to you that you didn't see him? A I don,t see how he could be there without my seeing him when I passed there.
Q Didn't you say just now that there was a number of colored people living there in that house that you didn't know who they were?
A I said I didn't know them but I knew Tom Moore and his wife, belonged to my father.
Q You were about 10 years old? A I said I was about 12.
Q There were some colored people living at that house and you didn,t know who t hey were? A I know Tom Moore wasn,t there.
Q Do you undertake to swear Mahala wasn't there? A If she had been there I would have seen her.
Q Do you undertake to say you know you saw everybody that lived there? A I guess I saw them but I didn't know the names.
Q How do you know you saw them all? A I know I must have.
Q You are just guessing at that, taking it as a conclusion? A Now are you stating from what you actually know or what you take as matter of fact that you ought to know because you went by there frequently? A I don't know as I have to answer any such foolish questions as that.

On Behalf of the Commissioner: Just answer as near as possible the question as asked.

A I know I saw them when they all come back, and it wasn't when we come back. I saw them afterwards, about 1868 or '67.
Q Well now when was the first time you ever saw Mahala? A Well I don't know exactly, she wasnIt there when we come back.
Q I am not asking you that x question? A I couldn't tell you just the date I saw her.

Q You say you saw her when they all come back? A I saw them when they were living there.
Q About when was that? A I don,t know when it was.
Q Was it 1868 or 1869? A It was 1867 or '68.
Q What time in 1867? A I always thought it was 1868.
Q Do you know what year it was that they lived on that Dr. Thompson place? A I know it was not in 1866.
Q I am not asking you whether you saw them in 1866? A Well I told you I didn't know whether it was 1867 or '68.
Q Do you know what time of the year it was you first saw them on that Dr. Thompson place? A No sir, I don't remember that.
Q Do you remember when they first moved on that Dr. Thompson place?
A No sir.
Q You don't know anything about when they come from Kansas? A I know they were not on that Dr. Thompson place.
Q You don't undertake to say that they were not in the Cherokee Nation when you come back? A No sir, I don't.
Q But you undertake to say that Wahala was not on that Dr. Thompson place in March, 1867, just because you didn't see her? A I would have seen her if there.
Q Who lived on that place or in the house prededing your father? The place you moved to, just before him? A There was a colored man named Arch Landrum.
Q Did he move in there just before you folks moved in? A Yes sir.
Q Did Nelson Moore ever live in that house, if you know? A No sir.
Q You don't remember when he lived there? A Nos ir.
Q Tom Moore I mean instead of Nels? A They all lived in what used to be the colored people's house, but not in the house we lived in.
Q Was any one living in that house when you folks moved down there, the place you moved into when you came back there in 1867? A My father was in Tahlequah and went up there to get the folks out of the house so we could move in.
Q Who did he get out? A Arch Landrum.
Q You are certain it was Arch Landrum? A That is what my father said.
Q Didn't say whether Arch was the only one? A Didn't say about that.
Q What time of the year was it? A I don't know exactly, it was between Christmas and March. It couldn't have been very long.
Q You came shortly after he came down there? A Yes sir.
Q As a matter of fact didn't you move in that place in the fall of 1867 instead of the spring? A No sir.
Q How do you remember it was spring instead of the fall? A Because they went to making a crop.
Q How do you remember it was 1867? A How do you remember anything?
Q I am asking you? A (No response)
Q You are testifying to these facts, things that occurred when you were 10 years old, from your own independent recollection regardless of anything that would impress it upon your mind? A You just Undertake to say it was 1867? A Well I said it was 1867, and I said it two or three times.
Q Have you any circumstance to connect your memory with that makes you absolutely know it was 1867, or more positive of it? A I don know any more than anybody knows one year from another.
Q Have you a pretty good faculty for remembering things that occurred in 1880 or '87? A Sometimes I do and sometimes I don't.
Q Do you know when the Fern-Clifton roll was made? A No sir.
Q You don,t remember that do you? A No sir.
Q Do you know when the Wallace roll was made? A Wasn't it in '80. I don't know.
Q Some of these dates are pretty hard to remember, aren's they? A Indeed without they xxxtgot to remember anything, they ought to remember it.
Q How do you happen to think you got to remember it was the spring of 1867 your folks moved on his place, is that the reason you remember it? A No sir.

Q There was nothing at that time to impress it upon you to remember it was 1867? A Well I know when the war closed, and how long we stayed down south before we come home, and then we came to Tahlequah and stayed there until the spring of '67.
Q How long were you at Tahlequah? A I don't know what month in the fall, and we stayed there that winter.
Q You came to Tahlequah in the fall? A Yes sir, in the fall of 1866.
Q Where were you when the war closed? A In the Choctaw Nation.
Q How long did you stay in the Choctaw Nation? A About three years, we went there during the war.
Q What year did you go there? A I think it must have been in 1862.
Q And you stayed there three years? A Stayed there until 1865.
Q What time in 1862 did you go? A I don't know.
Q You don't remember that? A No sir.
Q Do you remember the occasion of going? A Yes sir.
Q You say you stayed there about three years? A We stayed there until 1865.
Q What time in 1865? A I don,t know, I think it was in the spring.
Q And where did you go from there? A Back to Tahlequah in the fall, and how I know it was in the fall because we gathered Hickory Nuts all along the road.
Q How long did you stay at Tahlequah before you came down there?
A I told you from that time until March.
Q The following March? A Yes sir.
Q Then you came to Tahlequah in 1865? A '65?
Q Didn't you say you left the Choctaw Nation in 1865? A I said the war closed in 1865 and we come to Tahlequah in 1866.
Q Do you know what year you were born in? A 1816 so my mother said, I don't know whether I was or not.
Q You are going on 51 now? A Yes sir, I will be 51 next August.

W I T N E S S E X C U S E D :

JAMES R. DUNLAP, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A James R. Dunlap.
Q What is your age? A 65.
Q What is your post office? A Carlile, Kansas.
Q How far is Carlile from Iola? A Five miles.
Q How long have you lived in the vicinity of Carlile and Iola?
A I first came there in 1864, moved there in 1866.
Q What time in 1866 did you move there? A Sometime in the spring, May or June.
Q Did you get acquainted after moving there in that vicinity with a colored man named Butler McNair? A Yes sir.
Q Did you know his wife? A Yes sir.
Q Did they live there in that vicinity? A Yes sir.
Q Did you at that time live in the town or in the country? A I lived in the country there.
Q About how far did Butler McNair live from you? A About a mile.
Q Live in a cabin over there? A Yes sir.
Q Well Mr. Dunlap when was your first child born? A January 21, 1867.
Q Do you know who attended on your wife and waited on her during that confinement? A After her confinement Aunt Betsy Butler was with my wife.
Q Was that Butler McNair's wife? A Yes sir.
Q Was that after this condinement you speak of ? A Yes sir
Q Was that the first child your wife had? A Yes sir.
Q Are you positive that Betsy, the wife of Butler McNair, waited on your wife after this confinement? A Yes sir.
Q Have you a record of the birth of that child? A Yes sir.

Q Did you bring that with you? A Yes sir.
Q What does that record disclose? A You read it.
Q Is this from your family record, your Bible? A Yes sir.
Q It shows birth, Orien Dunlap was born in Allen County, Kansas, January 21, 1867? A Yes sir.
Q That is the date of his birth? A Yes sir.
Q And you are positive that Betsy, the wife of Butle McNair waited on your wife during her sickness following her confinement? A Yes sir.
Q Do you remember how long she stayed there after that? A No sir, I don't.
Q Do you remember how long they stayed in that vicinity? A No sir, I don't.
Q And you have refreshed your memory from the date of the record of the birth have you? A Not exclusively, I was married January 21, 1866, and my oldest child was born January 21, 1867.
Q And you are positive that Butler McNair's wife Betsy was there?
A Yes sir.
Q You are not prepared to say how much longer they remained there?
A No sir, I couldn't do that.
Q Did you know a colored man ex named Tom Moore? A Yes sir.
Q When did you last remember of seeing him up there with reference to the birth of this child? A Well sir, I don't remember anything particular about them after harvest was over in the summer of 1866. I helped harvest with Tom Moore, but when he left I couldn't tell you.
Q They didn't live on your place? A No sir.

Mr. Patten: The Attorneys for applicants now move the Honorable Commissioner to strike from the record all the testimony relative to Butler McNair given by this witness, for the reason that there is no contention that she came to the Cherokee Nation at the ~~same~~same time that Butler McNair did.

Mr. Hastings: In answer to that motion the Attorneys for the Cherokee Nation reply that practically every witness that has been introduced by these attorneys from Kansas have testified that all four of these parties left there with their effects at the same time, left that community.

On behalf of the Commissioner: The motion and reply will be noted.

BY MR. PATTEN:
Q Were you very well acquainted with any of those colored people around there? A Not intimately acquainted.
Q How long had you known this Betsy McNair at this time? A I came there the spring of 1866, and I didn't have any acquaintance with the old lady until I went after her to stay with my wife.
Q There is no question but that she waited on your wife at the time? A No question in my mind.
Q Do you know whether she was married or single? A She claimed to be the wife of Butler, lived with him.
Q Did you ever know him? A Yes sir.
Q How far did they live from you? A About a mile.
Q When was the last time you saw Tom Moore? A The last I remember of him is when we helped harvest there in 1866. Mostly colored people there and I just came into the country there and we swaped work around and cut our wheat.

W I T N E S S E X C U S E D .

J. A. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A J. A. Thompson.
Q What is your post office? A Vinita.
Q What is your age? A I will be 56 years old the first day of next August.
Q Are you a Cherokee by blood? A Yes sir.
Q What was your father's name? A Johnson Thompson.
Q Have you a brother named Tommy Thompson, T. F. Thompson? A Yes sir.
Q Where did you go during the Civil war? A We went south, on Red River.
Q Where did you return after the war? A Back there on ouf old place.
Q Where was that? A On Grand River, known now by the Ketchum place.
Q By Ketchum post office? A Yes sir, near there.
Q That is the same place that is generally known as the Johnson Thompson place? A Yes sir.
Q How far is that from the Dr. Thompson place? A About a mile.
Q On the same side of the river? A No sir.
Q How far from the Bob Daniels place? A That was a short mile further south, on the south side of the river.
Q Was the Bob Daniels place and Dr. Thompson place on the same side of the river? A Yes sir.
Q And both on the opposite side of the river from your father's place? A Yes sir.
Q Do you know Mrs. Strout, daughter of Bob Daniels? A Yes sir, first cousin of mine.
Q Do you know when Bob Daniels come back up there? A Yes sir.
Q When? A In 1867.
Q What time of the year? A Early in the spring.
Q What time did you people come back to this Johnson Thompson place?
A I think it was in October, in 1866.
Q Did you ever know Mose Hardrick a colored man before the war?
A No sir.
Q Did you know Jeff Lyons before the war? A No sir.
Q Did you know Mahala, Jeff's wife? A Yes sir, she belonged to Bob Daniels before the war.
Q Did Daniels live up there before the war? A Yes sir.
Q And you were neighbors before the war as well as relatives? A Yes sir, lived at the same place.
Q Right at the same places you described? A Yes sir.
Q Then you knew Mahala well did you? A Yes sir.
Q Now I will ask you when you first knew of Mahala, who was the wife of Jeff Lyons, and who before the war was the slave of your Uncle Bob Daniels, after the war? A Well that was along in the fall of '67. They stopped in our yard, I don't know exactly how long, camped there.
Q Was that when they came back to the country? A Yes sir.
Q You say that was in the fall of 1867? A Yes sir.
Q Are you positive they were not there during the winter of 1866?
A I don't think they were, if they were I didn't see them.
Q Did they say they were from Kansas in the fall of 1867? A Yes sir.
Q You remember when Mose Hardrick come? A Not exactly, but he landed in there pretty much the same time, but I didn't see him when he landed.
Q Did you see him there before you saw Mahala and Jeff? A No sir.
Q Did you know a child of Mahala named Mike? A Yes sir.

Q Did he come back with his mother? A I don't remember him. We were talking about him to day, I don't remember when he come or how he come.
Q Did you see him there before you saw his mother? A No sir.
Q You saw him afterwards? A Yes sir.
Q Did you know Butler McNair A I wasn't acquainted with him.

BY MR. PATTEN:
Q When was it you say you first saw Jeff and Mahala? A I think it was in the fall of 1867.
Q Whe were they living at that time? A Camped in our yard there on our place.
Q That was in the fall of 1867? A Yes sir.
Q When was the first time you saw Hose? A It was sometime after that I think, I would not be positive. I don't remember much about Hose because he went across the river.
Q Was it about the same time? A Pretty much the same time.
Q Now how long did they camp with you there when they went into camp. A Yes sir.
Q Had they just moved in from some place? A Come in from Kansas I suppose.
Q Was this on the same side of the river as the Dr. Thompson place?
A No sir.
Q What was across the river from the Dr. Thompson place? A Yes sir.
Q That was in the fall of the year? A Yes sir.
Q An you think it was what year? A 1867.
Q Do you remember when that Horse Creek fight was? A No sir. Been a great deal of dispute about that, a great many claim it was in 1867 and a good many in 1866.
Q When do you claim? A I don't claim.
Q Were you in the country? A There were two fights on Horse Creek.
Q Well with reference to what is known as the Horse Creek fight, if one or the other was, what time with reference to that was it Jeff Lyons and wife were camped there? Was itbefore or afterwards?
A Well I don't know, you see directly after the war we didn't run around any, we were afraid to go out any, we stayed at home.
Q You don't know whether it was before or after? A Well it must have been then this Horse Creek fight was, I think it was in the summer time sometime and this was in the fall.
Q The same fall? A I couldn't tell positively.
Q What is your best judgment about it? A Well I hate to say.
Q It is pretty hard to remember those things that occurred that long ago? A Yes sir, a long time. There were two fights there, one occurred before we come there.
Q Did those two fights both occur the same year? A I couldn't tell you that.
Q Where did they move to when they moved away? A Across the river.
Q Did they move on the Dr. Thompson place? A I think they moved on a place they got from Uncle Jeter or Uncle Robert, and I think he lived there until he died to my best judgment.
Q What place was that you say? A They settled a place in there near Uncle Robert or sorter between the two places.
Q What time did they move in on that place? A I don't know exactly. You see we made a crop up there in 1867 and after we gathered the crop, father sent Tommy and I to school in Arkansas.
Q You started in the fall of 1867? A Yes sir.
Q When did they make a crop on that new place, Jeff? A He surely couldn't have made any cropearlier than 1868.
Q In your judgment Jeff Lyons didn't get down to the Territory early enough to make a crop until 1868? A Yes sir.

Q Do you know whether or not he ever lived on the Dr. Thompson place?
A He might have rented some ground from Uncle Jeter.
Q I mean live there? A I don't remember of him li ing there. There were several families living there, and I thought one of them families were Andy Frye and another fellow that attended to our boats there, his name was Tobe Shhrimsher, and there was another fellow or two there.
Q Do you remember about the time that Andy Frye lived on that Dr. Thompson place with reference to the time they were living there,-- what time was it Jeff and Mahala were camped there? A That was along in 1867.
Q I mean regardless of dates, at the time Jeff was camped there in your yard where was Andy Frye living? A I think on Uncle Jeter's place.
Q That was about the time Tobe Schrimsher was there? A Well I don't know whether Schrimsher was there then or not, I rather believe Schrimsher had left before then. A little thing happened there before then, somebody stole Uncle Robert paniel's horse and Schrimsher was run ing our boats, and they stole our boats and after that father and Uncle Robert gaveSchrimsher a jacking up and I think he left.
Q Disregarding what year it was, you said it was in the fall of the year? A Yes sir.
Q And that was on the other side of the river from the Dr. Thompson place? A Yes sir.
Q What time of the year did they leave that place and move? A I couldn't say, couldn't tell you.
Q Where were you living when they moved? A I don't know whether we were there or had gone to school.
Q What year was it you first went to school in Arkansas? A It was in 1867. After we got through gathering corn we went.
Q How do you remember that was 1867? A A thousand things happened to make a person remember it.
Q To remember it was 1867 instead of 1866 or '65? A Couldn't have been 1866 because we didn't comeup there untillate in the fall of 1866.
Q How do you remember it was 1866 you come up there instead of '65?
A We were afraid to go up there.
Q How long after the war closed before you were afraid to come up there? A We come as soon as we thought it was healthy.
Q This occurred about 40 years ago? A Yes sir.
Q You were how old? A About 16 years old.
Q You think then, you are pretty positive it is highly improbable that you could be mistaken just a year or two? A I don't think I could be. You see they come up there the same year Uncle Robert paniels moved up, he moved there in the spring of 1867 and they got there in the fall of 1867.

W I T N E S S E X C U S E D .

On motion of the Commissioner this case was here continued until June 23, 1906, at 8:45 A. M.

June 23, 1906: In pursuance of continuance heretofore had in this case, the hour of 8:45 A. M., having arrived on this day, this case was called for further hearing at which time the following proceedings were had:

T. F. THOMPSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A T. F. Thompson.
Q How old are you? A Going on 59 years old.
Q What is your post office? A Vinita.
Q What was your father's name? A Johnson Thompson.
Q Are you a brother to Jim Thompson who was on the stand here yesterday? A Yes sir.
Q Did you know Bob Daniels in his life time? A Yes sir.
Q Was his wife any relation to you? A She was an Aunt of mine, a sister to my mother.
Q Were they Cherokees? A Yes sir.
Q Did you ever live in the Cherokee Nation before the war? A Yes sir.
Q Where? A On Grand River.
Q How far from Vinita? A East about 15 miles.
Q Down near where the present Ketchum post office is? A Yes sir, right at that post office.
Q On which side of the river did your folks live? A On the west side.
Q On which side did Bob Daniels live? A Dr. Thompson place is right on the river and Daniels place was about a mile southeast.
Q On the opposite side of the river from you? A Yes sir.
Q Now did you people go out during the war? A Yes sir.
Q What time did you return? A We returned in the fall or winter of 1866.
Q And what time did Daniels people return to the place up there on the river? A They come back in the spring of 1867.
Q Did you know Mrs. Strout that was on the stand? A Yes sir.
Q That was her father? A Yes sir, he lived there.
Q Then each of your families returned back to these old places?
A Yes sir.
Q Did you know a negro woman by the name of Mahala that belonged to the Daniels before the war? A Yes sir.
Q Who did she marry during the war, or who did you know her to be the wife of after the war, if you knew her at all? A The wife of Jeff Lyons after the war.
Q Did she have any children before the war? A I think she did, I would not be certain about that.
Q Don't know of a child named Mike Moore? A Yes sir.
Q Now how far is this Dr. Thompson place from your place? A About a mile, just across the river.
Q You say you knew Mahala who belonged to your aunt Mr. Daniels before the war? A Yes sir.
Q Now what is your best judgment of the time that you first saw them, that they returned here after the war? A Well as to that I couldn't possibly say for certain. They come back after we didbut I couldn't say whether it was the year we did or the year following.
Q Well what is your best judgment about it? A Well I don't know what my best judgment would be.
Q Well you don't want to be positive about it, is that as I understand you? A No sir, because I am not.
Q Did you make an affidavit in this case? A Yes sir.
Q And in that affidavit did you want to be understood to say that these people returned in 1866? A No sir, I don't want to be understood that way.
Q Who prepared it? A A young man named Blue I believe.
Q With whom did you talk about it. Did you talk to J. C. Starr about it? A Yes sir, I mentioned it to Mr. Starr yesterday.
Q Did you ever talk to him prior to yesterday? A Yes sir, we met in the post office a time or two and talked about it up there at Vinita.

Q Did you tell him that you didn't want to be understood as saying in your affidavit that they returned in 1866? A Yes sir, be cause I wasn't certain about that. Thatwas to the best of my knowledge.
Q You didn't intend to say 1866? A No sir .

BY MR. PATTEN:
Q Well then Mr. Thompson what you want to be understood as saying in this case is then that you are uncertain as to whether it was 1866 or '67, is that what you mean? A Yes sir, I am uncertain. I don't want to be understood as saying 1866 or nothing else.
Q Now you would not want to be understood as positively swearing that it was not 1866? A NO sir.
Q Nor you would not want to be understood as positively swearing it was 1867? A No sir.
Q Wasn't it about 3 or 4 days ago you talked to Mr. Starr at Vinita? A Yes sir.
Q Did you talk to Mr. Starr any time about this at the time you made this affidavit? A Not that I remember of. I don't think Mr. Starr had anything to do with the affidavit at all.
Q Did you testify before John W. Wallace in the Wallace Court for these people? A I didn't know the gentleman, he was up in Mr. Starr's office.
Q The Wallace Court in 1889? A No sir, I think not.
Q You don't remember whether you did or not? A No sir, I don't think I have ever testified in freedman cases before. I don't remember of it.

I T N E S S E X C U S E D .

Mr. Hastings: I desire to make an inquiry of the Commissioner as to whether or not all of the testimony of all these consolidated cases heretofore taken and taken now, including the testimony of Nelson Moore, and the cases of Moses Hardrick, F. D. 314, at a prior hearil will be considered a part of the testimony of this entire case.

On Behalf of the Commissioner: All of the testimony and records in each of the separate cases which are now consolidated under the two hears, consolidated cases of Moses Hardrick, et al., and George Irons, et al., will be made a part of the record in this consolidated case.

Mr. Hastings: For the purpose of impeaching Tobias Bean, I desire to introduce the record of assessment of Monroe Township, Anderson County, Kansas, copied from the original records and filed in the cases of Thomas Mayfield, et al., F R 541, with reference to Warren Adams for the year 1868.

Mr. Patten: To which applicants object for the reason that there is no testimony to identify Warren Adams, the man of whom Tobias Bean testified with the name of Warren Adams sought to be introduced and for the further reason that the record in the Mayfield case shows that the assessment record of Monroe Township, Anderson County, Kansas, was never authenticated for the year 1868 by the Assessor.

On Behalf of the Commissioner: A stenographic report was made of the record of the proceedings had May 24, 1906, in the cases of Thomas Mayfield, et al., at which time there was introduced in the record, the record of the assessment of one Warren Adams, the original census record being exhibited at that time. The

stenographer's notes have not yet been transcribed, but as soon as done so a copy of that part of theproceedings relating to the census of Warren Adams in Monroe Township, Anderson County, Kansas, will be filed with and made a part of the record in this case.

Mr. Hastings: For the purpose of impeaching Frank Ross, one of the witnesses who has heretofore testified in this case, we desire to have noted in the record what action has been taken by the Secretary of the Interior in the following cases, Freedman Doubtful 498, being the case of Henry C. Hayden, et al., Freedman Doubtful 536, being the case of Charity Trow, Freedman Doubtful 631, being the case of Nancy Ross, et al., Freedman Doubtful 578, being the case of Katie Thorton, et al., Freedman Doubtful 201, being the case of Sarah Bean, Freedman Doubtful 766, being the case of Leah Winfield et al., Freedman Doubtful 777, being the case of Calvin Ross, et al., Freedman Doubtful 1007, being the case of Jesse Hicks, et al., Freedman Doubtful 1009, being the case of George Ross. All of said cases being freedmen cases and the record in all of said cases showing that the said Frank Ross testified in all of them, and the representative of the Cherokee Nation contend that all of them have been rejected by the Commission and finally rejected by the Secretary of the Interior.

Mr. Starr: To which applicants object and move that the Cherokee Nation be required to state in each instance what particular testimony given by Frank Ross in said cases is false.

Mr. Hastings: The Cherokee Nation states that in each case where he swore that the applicants returned in 1860 is false, and was so found by the Commission and by the Secretary of the Interior.

Mr. Starr: The applicants contend that a general statement is not sufficient and move that the Nation be required to specify in each instance what testimony is false.

Mr. Bixby, Commissioner: The objection of Attorneys for applicants will be sustained.

Mr. Hastings: The ruling of the Commissioner to the Five Civilized Tribes is excepted to for the reason that it is contended on behalf of the Cherokee Nation that if this same witness Frank Ross has testified in all of the above cited cases, and for the applicants, and if the Commission to the Five Civilized Tribes had decided adversely to them, and these decisions has been affirmed by the Secretary of the Interior, that this tends to show what weight is given by the Commissioner to the Five Civilized Tribes, and the Secretary of the Interior to the testimony of the said Frank Ross, and therefore tends to impeach and discredit him.

Mr. Starr: Replying to this argument the Attorneys for applicants desire to state that unless it is shown specifically wherein said witness testified falsely in each of said cases it would not tend to discredit him for the reason that said witness might not have testified to a mere point in any of said cases.

Mr. Hastings: In answer to that argument the Attorney for the Cherokee Nation now offer to have the full testimony of the said Frank Ross in each of said cases referred to filed and made a part of this record so it will show the different points to which he has testified.

Mr. Starr: To which applicants object.

Mr. Bixby, Commissioner: The objection willbe sustained.

Mr. Hastings: For the purpose of impeaching and discrediting the statements of the applicant, Moses Hardrick, the representative of the Cherokee Nation desires to have the record of the decision of the Commission and the action of the Department thereon in the following freedmen cases. All of them being cases in which the said Moses Hardrick testified on behalf of the applicant and all od them being rejected by the Commission to the Five Civilized Tribes and affirmed by the Secretary of the Interior: Freedman doubtful 283, being that of Moses Ross. Freedman doubtful 287, Jim Alberty, et al. Freedman doubtful , 317, Charles Martin et al., Freedman doubtful 597, Jane Looney, Freedman doubtful 631, Nancy Ross, et al. Freedman doubtful 662, Cynthia Hoard, et al., Freedman doubtful 921, Elijah Watie or Tinnon. Freedman doubtful 940 Andy Ross. Freedman doubtful 952, Charles Brown, et al. Freedman doubtful 1009. George Ross, Freedman doubtful 1020, Kissie Newman, et al. Freedman doubtful 1023, Ned Foreman. Freedman rejected 85, Malzy Corban, et al. In all of which the said Moses Hardrick testified for the applicants.

Mr. Starr: In reply to this motion the applicants make the same objection and the same motion as was made with reference to Frank Ross.

Mr. Bixby, Commissioner: The objection willbe sustained.

Mr. Hastings: For the reasons hereinabove stated the ruling of the Commissioner to the Five Civilized Tribes is excepted to.

Mr. Hastings: For the purpose of impeaching and discrediting the testimony of Anderson Lynch, a witness who has heretofore testified for the applicants in this case, the representative of the Cherokee Nation asks that the decision of the Commission to the Five Civilized Tribes and of the Secretary of the Interior rejecting the following applicants, in all of which cases the said Anderson Lynch testified, be shown in this record. Freedman doubtful 493, being the case of Alex Johnson, et al., in which the said Anderson Lynch was especially impeached. Freedman doubtful 828, John May, et al. Freedman doubtful 280, Harvey Martin, et al. Freedman doubtful 732, Joseph Lynch, et al. Freedman doubtful 309, William Vann et al. Freddman doubtful 374, Ab Buffington, Freedman doubtful 566, Aggie Little, et al. Freedman doubtful 617, Rosa Shobe, et al. Freedman doubtful 79, Mary Hemmitte. Freedman doubtful 734, John Towers. Freedman doubtful 860, Annie Elms, et al. Freedman doubtful 281, Arthur Martin, Freedman doubtful 880 Perry Adams, et al. Freedman doubtful 285, Isabell Brown. Freedman doubtful 286, Rachel Todd, et al. Freedman doubtful 1015, Amanda Brown. Freedman doubtful 728, Martha Lyons. Freedman doubtful 375, William Buffington. Freedman rejected 85, Malzy Corbin, et al.

Mr. Starr: Attorneys for applicants make the same objections in this case as were made with reference to Frank Ross and Moses Hardrick.

Mr. Bixby, Commissioner: The objection will be sustained.

Mr. Hastings: The representative of the Cherokee Nation except to the ruling of the Commissioner to the Five Civilized Tribes for the reasons hereinbefore set forth.

Mr. Starr: We would like to examine the records of the Cherokee Supreme Court and citizenship Courts that are now in the possession of the Attorneys for the Cherokee Nation.

Mr. Hastings: And for what purpose?

Mr. Starr: For the purpose of seeing if there is any record in said Court that we might desire to offer.

Mr. Hastings: The representative of the Cherokee Nation decline to turn over to Citizenship lawyers the records in his possession for their use in making motions which they do not regard as meritorious generally in citizenship cases, but if there is any judgment of any Court in the possession of the Commission relevant to this case, they have no objections whatever to that judgment being taken from the records and introduced in this case.

Mr. Starr: Attorneys for applicants move that the Honorable Commissioner require these records to be turned over to him and be placed in his official custody so that both the Attorneys for the Cherokee Nation and applicants may have access to them.

On Behalf of the Commissioner: It is requested that the Attorneys for applicants indicate the records in the possession of the Attorneys for the Cherokee Nation to which they refer.

Mr. Starr: It is the record referred to in the matter of the application of Andy Webber. The Chambers Court of 1878, being the same record referred to in the case of Andy Webber last Thursday.

Mr. Hastings: In reply to this the representative of the Cherokee Nation state that they are not trying the Andy Webber case, and that that is not a part of this case and not a part of this record: that the Andy Webber case was tried and closed on Thursday last.

Mr. Starr: I mean the record referred to in that case. The book referred to in that case.

On Behalf of the Commissioner: The record of proceedings had by and before the Chambers Court or Commission on Citizenship are in possession of this office and when a decision is rendered in this case official notice will be taken of any proceedings had before said Court with reference to any applicants in this consolidated case.

Mr. Starr: The applicants request that the case of George W. Lynch be not closed at this time, and that they be given an opportunity to furnish the Commissioner with a list of witnesses, and move that the case be set for trial at some date convenient to the Commissioner, at which time testimony may be taken on the question of the return of George W. Lynch after the promulgation of the Treasty of July 19, 1866. That we do not represent George Irons, Betty Hayes and Richard Nero, and so far as the other cases are concerned they may be closed.

Mr. Hastings: The representative of the Cherokee Nation object to any continuance of the case of George W. Lynch for the reason that they have agreed that all of the descendants of Moses Hardrick and Jeff and Ahala Lyons would be conslidated in this case when it was gone into and the testimony has been taken without any reference being made to any separate case for George W. Lynch, and the applicants closed the taking of their testimony and the Cherokee Nation has introduced testimony upon its side and the testimony of all parties have been introduced and now for the first time they ask for a continuance in this case. In fact no notice has been given of any witness they expected to testify in it. They have shown no deligence in the procurement of any witnesses, they have not given the name of any witness and do not say what they expect to prove by witnesses, and therefore the motion should not be granted.

Mr. Starr: Replying to this argument of the Attorney for the Cherokee Nation we desire to call the attention of the Commission to our motion to reopen this consolidated case which shows the parties we represented at the time and we desire to state further that we never represented George W. Lynch until here a few days ago.

On B half of the Commissioner: The records of this office show that the motion made for the reopening of the consolidated cases of George Irons, et al., included the following applications for enrollment:

George Irons, et al.,	F R	36
Bettie Mayes,	F D	87
Richard Nero,	F D	1328
Ned Lyons,	F D	251
Rachel Landrum	F D	252
Elias Lyons,	F D	253
Altha Moore, et al.,	F D	357
George W. Lynch,	F D	731.

Mr. Bixby, Commissioner: George W. Lynch is in this case.

Mr. Starr: George W. Lynch has a different status, he come from the south and the others come from the north.

Mr. Bixby, Commissioner: I know, but he was in this case.

Mr. Hastings: Yes sir.

Mr. Bixby, Commissioner: The Department's instructions seem to be explicit, I think we will have to deny the motion. The motion is denied.

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Geo. H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo H. Lessley

Subscribed and sworn to before me this 23rd day of July, 1906.

B. P. Ramsey

Notary Public

[illegible] is hereby made to the above named [illegible] to [illegible] party [illegible]

[illegible] Commissioner of the B.T.Cart, Chief of Del.Dist. [illegible]

[illegible] Washington, D.C.

Executive Office Choctaw Nation.

Tahlequah, Ind.Ter.

I,B.W.Alberty,Assistant Executive secretary

of the Choctaw Nation,do hereby certify that the foregoing is a true copy taken from the records office and in my custody.

[illegible] in this office of the Choctaw Nation this [illegible] day of [illegible] 1901.

[illegible] Assistant Executive secretary.

Choctaw Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 20 1901

E. I.T. 357

Cherokee Nation, C.N.

We the undersigned Citizens of the Cherokee Nation, and citizens by blood do hereby recommend Jefferson Lyons-collored man, to be a good moral man. We have been acquainted with him for several years and know him to, be upright man in all of his dealings and do believe he will make a good citizen of the Nation.

John D.West ,	J.M.Scraper,
G.W.Scraper,	Simon Three killer,
M.F.Hicks	M.L.West ,
Wat Christy	J.E.Downing,
W.A.West	Bird Jones,
J.H.Beck,	P.F.Armstrong, J.R.Martin

License was issued to the above named Lyons to marry Lue Eza Buffington and executed by me, R.T.Carey, clerk of Del.Dist. this 12th day of Feb.1879. R.T.C., C.D. D.C.N.

Executive Office Cherokee Nation,

Tahlequah Ind.Ter.

I, B.W.Alberty, assistant Executive secretary of the Cherokee Nation, do hereby certify that the foregoing is a true copy taken from the marriage record of Delaware District Cherokee Nation, now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 14th day of May 1901.

B. W. Alberty
Assistant Executive secretary,

Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Ned Lyons and others, for enrollment as Cherokee Freedmen.

-:-

O R D E R .

It is ordered that a copy of the testimony of Nelson Moore taken at Muskogee, Indian Territory, on February 5, 1902, in the application of Moses Hardrick, for enrollment as a Cherokee freedman, Case No. D-314, be filed with, and made a part of the record in the applications of Ned Lyons and others for enrollment as Cherokee freedmen, Consolidated Case Nos. R-36, D-1328, D-251, D-252, D-253, and D-357.

T. B. Needles.
Commissioner.

Muskogee, Indian Territory,
this OCT 20 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 5. 1901
ACTING C

Q
4 6 3 5 7

File with base of Altha and Oscar Moore, D-357.

COPY.

Letters of Administration.

Cherokee Nation
Delaware District.

Office of District Judge, Delaware district.

To whom it may concern:

Know ye, that I, J. L. Ward, Judge of the District Court of the District and Nation aforesaid do, by virtue of authority in me vested by law, this day, make, constitute and appoint in the name and by the authority of the Cherokee Nation, Al Lynch, of the Estate of Jeff Lynch (deceased) late of Delaware District, Cherokee Nation, the said Al. Lynch having complied with and performed all the duties required by the Law of him precedent to this appointment.

In testimony whereof I hereunto set my hand on this the 1st day of Oct. A.D. 1888.

J. L. Ward,
Judge Dist. Court of Delaware District,
C. N.

****

Above endorsed on back as follows: This certifies that the within appointed Administrator was duly qualified as the law directs. Given under my hand on this the 1st day of October A.D.1888
J. L. Ward, Judge Del.Dist. C.N.

COPY.

Office of District Judge, Delaware District, C.N. May 7th, 1888.

To Wiley Lyons.

You are hereby notified that Allen Lynch was duly authorized and directed to sell the place you now occupy, and that the same has been sold accordingly.

You are therefore directed to deliver said premises to said Lynch without delay.

In testimony whereof I hereunto set my hand in Office on this 7th day of May,1888.

J. L. Ward, J.D.D.C.N.

COPY.

~~Cherokee Nation, Delaware District, May 8th, 1888~~ Union Agency, I. T.
Muskogee, June 13th, 1889.

Winnie Irons & Geo. Irons.
vs Allen Lynch.

In this case in answer to notice issued from this office June 4th, 1889, Allen Lynch came before the Agency, and exhibited letters of Administration from J. L. Ward, Judge of Delaware District, Cherokee Nation, granted to him October 1st, 1888, and it further appears that he was duly qualified as such as Adm. of Jeff Lyons deceased. In view of this fact this office does not feel warranted in passing upon the citizenship of Jeff Lyons, deceased. The question of citizenship belongs exclusively to the Cherokee Courts, & therefore this Agency

will not interfere further in the matter. The Petition or complaint of Geo. Irons & wife is dismissed.

Very respectfully,
Leo E. Bennett,
U.A. Ind.Agent.

COPY

Court House, Delaware Dist. May 8th, 1890.

Mr. T. M. Buffington,
District Judge, Del. Dist.

Dear Sir:

I have the honor to submit to you my account as administrator of the estate of Jeff Lyons deceased and ask your approval of the same.

1 Trip to and from Muskogee, I.T.	$ 7.50
3 Trips to Court House	3.00
2 Trips to Vinita, I.T.	2.00
Appraising property	
Ferrage,	1.00
" again	.50
Ferrying cow	.85
and self	.50
Board,	.75
Advertising,	.75
	16.20
Per cent of Estate	10.00
	$32.20

The above claim sworn to before me and approved this 6 day of May, 1890. T. M. Buffington, Judge Dist.Court.

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a true copy from the originals, filed in case of Ned Lyons, Cherokee Freedman D-251.

Bruce C. Jones

Sworn to and subscribed before me this the 3rd of June, 1901.

Commissioner.

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Irons, et al., as Cherokee Freedmen, consolidating the applications of:

George Irons et al.,	Cherokee	Freedmen	R	36,
Bettie Mayes	"	"	D	87,
Richard Nero (or Irons) et al	"	"	D	1328,
Ned Lyons	"	"	D	251,
Rachel Landrum	"	"	D	252,
Elias Lyons, et al.	"	"	D	253,
Altha Moore, et al.,	"	"	D	357,
George W. Lynch, et al	"	"	D	731.

--: D E C I S I O N :--

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jennanna Irons for, among others, her husband, George Irons, stepchildren, Bertha and Bettie Irons, and stepgrandchild, Elenora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for, among others, himself, by Rachel Landrum for herself; by Elias Lyons for himself and minor child, Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore; and by George W. Lynch for himself and minor children, Rosetta and Eliza Lynch. As the others included in said above mentioned applications have been differently classified, their rights to enrollment will not be considered in this decision. Copies of the testimony of M. W. and M. M. Couch taken at Vinita, Indian Territory, October 1, 1901, in re application of William Lane for enrollment as a Cherokee freedman, case No. D 395, and of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in re application of Moses Hardrick for enrollment as a Cherokee freedman case No. D 314, are filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons), are all children of one Nero Irons, deceased; that the said applicants, George Irons and Bettie Mayes, were slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Richard and Mollie Nero (or Irons), possess rights to enrollment as Creek freedmen, are included in a partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, opposite Nos. 2173 and 2238, respectively, and have selected and accepted their allotment of lands in said Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and one Winnie Irons, nee Lyons, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents; that the said Winnie Irons, deceased, was born since 1866, and was the daughter of Jeff and Mahala Lyons, both deceased; and that the said Jeff and Mahala Lyons were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicant, Elenora Nivens, is an illegitimate child of the applicant, Bertha Irons, and after ample opportunity having been afforded it is not established that she possesses any rights to enrollment other than as a descendant of her said mother.

The evidence further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons, are children of the above mentioned Jeff and Mahala Lyons, deceased, were born since the commencement of the rebellion, and possess no rights to enrollment other than as descendants of their said parents. The minor applicant, Nelson J. Lyons, is a child of the applicant, Elias Lyons, and one Martha Lyons, was born since 1880, and possesses no rights to enrollment other than as their descendant. In Cherokee freedman case No. R. 363, the Commission has heretofore found that the said Martha Lyons possesses no rights to enrollment as a Cherokee freedman, and on May 28, 1904 (Departmental letter I. T. D. 4226-04), its finding was approved by the Department.

The evidence further shows that the minor applicants, Altha and Oscar Moore are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; and that the said Mike Moore, deceased, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto (he returned with his stepfather and mother, the said Jeff and Mahala Lyons), within the time specified in said above mentioned Whitmire decree.

The evidence further shows that the applicant, George W. Lynch (son of the said Mahala Lyons, deceased), was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880, and possess no rights to enrollment other than as descendants of their said father.

None of the applicants herein born during or prior to the below mentioned year, nor the ancestors of any applicant herein born during or subsequent to said below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880.

The evidence in this case establishes that the applicant, George Irons, after the close of the rebellion, returned to the Cherokee Nation in company with, among others, his brother, Alexander Irons. In Cherokee freedman case No. D 181, the Commission has heretofore found that the said Alexander Irons did not, after the close of said rebellion, return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 23, 1904 (Departmental letter I. T. D. 8590-04), its finding was approved by the Department. The evidence in this case further shows that the said Jeff and Mahala Lyons and Mike Moore, through whom some of the applicants herein claim their rights to enrollment, returned, after the close of the rebellion, to the Cherokee Nation, in company with, among others, one Moses Hardrick. In Cherokee freedman case No. D 314, the Commission has heretofore found that the said Moses Hardrick did not, after the close of the rebellion, return to the Cherokee Nation within the time specified in said Whitmire decree, and on October 13, 1904 (Departmental Letter I. T. D. 6968-04), said finding was approved by the Department.

In connection with above findings attention is called to the testimony of the applicant, George W. Lynch, taken June 13, 1901, at Chelsea, Indian Territory, when, to the question--"Where were you in 1866?" he replied--"Part of the time I was in Van Buren and my brother came down there and said my mother (Mahala Lyons) wanted him to bring me home (to the Cherokee Nation) and he did". His witnesses at that time did not testify as to his return. More than three years later, said applicant again testified before the Commission as to his return after the rebellion, and to the question--"Was your mother living in the Cherokee Nation when you got back here?" answered--"I didn't see her at that time..... ...I heard they (his mother and others) were camped up there on the river, but I don't know it". On this occasion one of said applicant's witnesses, Columbus McNair, testified that he saw the applicant in the Cherokee Nation in the years 1865, 1866, and particularly, at a certain place on Grand River, during the year 1868. Applicant testified that he left the Cherokee Nation in January, 1867, and did not return to said Nation until sometime during the year 1873.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Irons, Bertha Irons,

Bettie Irons, Elenora Nivens, Bettie Mayes, Richard Nero (or Irons), Mollie Nero (or Irons), Ned Lyons, Rachel Landrum, Elias Lyons, Nelson J. Lyons, Altha Moore, Oscar Moore, George W. Lynch, Rosetta Lynch and Eliza Lynch, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this APR 18 1905

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. AHMc

In the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, consolidating the applications of-----

Moses Hardrick	Cherokee freedmen	R-574
Silas Hardrick	Cherokee freedmen	R-536
Sarah Bean	Cherokee freedmen	R-543
Nelson Hardrick, et al.,	Cherokee freedmen	R-557
William Hardrick, et al.,	Cherokee freedmen	R-599
Eliza J. Hardrick, et al.,	Cherokee freedmen	R-631
Mary Hardrick, et al.,	Cherokee freedmen	R-579
George Irons, et al.,	Cherokee freedmen	R- 36
Bettie Mayes	Cherokee freedmen	D- 87
Richard Nero (Irons), et al.,	Cherokee freedmen	D1328
Ned Lyons	Cherokee freedmen	D-251
Rachel Landrum	Cherokee freedmen	D-252
Eliza Lyons, et al.,	Cherokee freedmen	D-253
Altha Moore, et al.,	CheroMee freedmen	D-357
George W. Lynch, et al.,	Cherokee freedmen	D-731

D E C I S I O N.

THE RECORD IN THIS CONSOLIDATED CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Moses Hardrick for himself; by Celia Hardrick for her husband Silas Hardrick; by Lewis Bean for his wife, Sarah Bean; by Mary Hardrick for her husband, Nelson Hardrick, and his minor children, Malinda and LeRoy Hardrick; by William Hardrick for himself and minor children, Mabel and Leena Hardrick; by Eliza J. Hardrick for herself and minor children, Arthur, Ethel, Mattie and Claud Lynch; by Mary Hardrick for herself and minor children Amos, and Jackson Lenien; by Jennanna Irons for her husband, George Irons, and his children Bettha and Bettie Irons and grand child, Elnora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Orens); by Ned Lyons for himself; by Rachel Landrum for herself; by Elias Lyons for himself and minor child Nelson J. Lyons; by Altha Moore for himself and brother, Oscar Moore and by George W. Lynch for himself and minor children Rosetta and Eliza Lynch.

The record further shows that on April 20, 1904, and April 18, 1905, the Commission to the Five Civilized Tribes rendered its decision herein denying the above named applicants the right to enrollment as Cherokee Freedmen, that said decisions were duly forwarded to the Department for consideration, and that the former decision was affirmed by the Department on October 13, 1904 (I.T.D. 6968-1904); and that thereafter, to-wit, on April 5, 1906 (I.T.D. 5398-1906) and May 11, 1906 (I.T.D. 4667-1906) respectively; on motions of the applicants the Department rescinded its decision of October 13, 1904, and remanded the records in this now consolidated case for further testimony and readjudication. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on June 21, 22 and 23, 1906.

The record in this consolidated case shows that the aboved named applicants neither claim nor possess any rights to Cherokee freedmen citizenship other than as below indicated, to-wit: Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch by virtue of having complied with certain provisions of the Treaty of 1866; Silas Hardrick, Sarah Beam, Nelson and William Hardrick as descendants of the said Moses Hardrick and his former wife one Patient or Patience Hardrick, now deceased, Malinda and LeRoy Hardrick as descendants of the applicant Nelson Hardrick and his former wife one Minnie Hardrick, deceased; Mable and Leona Hardrick as descendants of the applicant William Hardrick; Arthur, Mattie and Claud Lynch as descendants of the applicant Eliza J. Hardrick and one Charlie Lynch and Ethel Lynch as a d escendant of the said applicant Eliza J. Hardrick and one John Ross, deceased; Amos and Jackson Lonien as descendants of the applicant Mary Hardrick and one Mose Lonien; Bertha and Bettie Irons as descendants of the applicant, George Irons and one Winnie Irons nee Lyons, deceased; Elnora Nivens as the descendant of Bertha Irons and Harrison Nivens; Ned Lyons, Rachel Landrum and Eliza Lyons as descendants of Jefferson and Mahala Lyons, both deceased; Nelson J. Lyons as the descendant of the applicant of Elias Pyons, Altha and Oscar Moore as the descendants of one Mike Moore, deceased; and Rosetta and Eliza Lynch as the descendants of the applicant George W. Lynch.

A reexamination of the records in this now consolidated case made prior to the rendition of the decision heretofore referred to, convinces this office that the findings therein are eminently correct. Hence, if said decisions are to be reversed it must be upon the evidence submitted since said records were returned to this office for readjudication.

Since this case was remanded twenty-two witnesses have been introduced by the parties herete, all of whom testified from unaided memory alone to events that necessarily must have happened thirty-eight or forty years before. A For reasons most obvious such testimony can give but little aid in determining whether or not material facts at issue herein occured on or prior to February 11, 1867, or subsequent therete.

For reasons below stated this office is of the opinion that the respective rights of the parties hereto can be properly adjudicated without attempting to reconcile the conflicting statements of the many witnesses introduced herein or determine which array of witnesses is entitled to the greater credit.

Subsequent to the rendition of the latter of the two decisions herein before referred to there came into the possession of this office a roll of the Cherokee people made from a census taken in 1867.

This roll was made under authority of Section 12, Treaty of 1866, for the purpose of ascertaining the number of Cherokee citizens in order that the representation of the Cherokee Nation in the General Council provided for by said Treaty might be properly appertioned.

Section 12 of said Treaty reads in part as follows:

> "After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said (Indian) Territory shall be taken under the direction of the Commissioner of Indian Affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee Tribe. In taking this census Mr. Tomkins followed the political divisions of the Cherokee Nation. The roll made from this census is contained in four substantial well preserved volumes, the names of the Cherokee citizens, at that time, appearing in their respective districts, said districts being divided in four volumes, as follows, to-wit:

Going Snake and Delaware Districts	Volume 1,
Tahlequah and Saline Districts	Volume 2,
Canadian and Delaware Districts	Volume 3,
Flint, Sequoyah and Koo-wees-koo-wee Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 13566 Cherokee citizens residing in their nation divided under the foregoing heads, as follows: Indians 9588, Whites, 47, Halfbreeds 2650, and Colored 1281.

The certificate of the census taker is found on the last page of volume four and reads as follows, to-wit:

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:--taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with

the provisions of Article 12th, Section 1st of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U. S. Commissioner to take census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties and for a purpose that makes it highly improbable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any person not entitled to citizenship in the Cherokee Nation. The question as to whether or not those claiming under Article 9 of the Treaty of 1866 had complied with the provisions thereof was, at that time, easily determined, especially so as to the date of return, inasmuch as this census was taken only a few months after the time limited by said Article 9 of the Treaty for the return of Cherokee freedmen, had expired.

An examination of the roll fails to show the names of any of the above named applicants, or of any of the aforementioned deceased ancestors, enumerated thereon.

In connection with the taking of the census above referred to attention is invited to page 9 of the record herein, wherein will be found the following questions and answers, to-wit:

"Q How does the fact that the grass was up connect with in your mind, with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Fry and my stepfather and Arch Landrum, uncle Ruben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
Q To a census taker? A Yes sir to a census taker; that was i n '67.
Q What month was that? A That was about June or July as well as I remember.
Q They took census in '67 did they? A I reckon they did that's what they said; they all went off I couldn't say what they did."

Of the persons named by this witness only one, Arch Landrum, can be identified on the roll of 1867. The Testimony of this witness is considered as evidence practically conclusive that the applicant, Moses Hardrick, was not overlooked by the census taker in 1867. Hence, the failure of his name to appear upon said roll must be due to the fact that in 1867 it was considered that he was not a citizen of the Cherokee Nation.

The Daniels Court in 1871, found that the applicant, Moses Hardrick and his family, and the said Jefferson Lyons, deceased, and his family, returned to the Cherokee Nation too late to entitle them to citizenship under the Treaty of 1866. This Court also found that Thomas Moore and family, whom it is alleged returned with the Hardrick and Lyons families, came too late. In the case of Butler McNair,, however, who, it is testified, was also a member of this Company, it is found that he returned within the time provided by said Treaty.

The Chambers Court in an opinion rendered on August 9, 1878 held that the applicant, Moses Hardrick (Hardwicke) did not return to the Cherokee Nation after the rebellion within the time limited by the provisions of Article 9 of the Treaty of 1866. A Certified copy of said opinion is made a part of the record herein (331-332).

On June 24, 1904, there was filed with this office an affidavit showing the death of the applicant, Malinda Hardrick, on July 31, 1902.

Excepting the Wallace & Kern-Clifton rolls, none of the applicants herein, nor any ancestors through whom by any possibility they might obtain rights to Cherokee freedman citizenship can be identified on any Cherokee roll in the custody of this office.

FINDINGS AND FACT CONCLUSION: It is considered that the evidence in thos case shows that neither the applicants, Moses, Eliza J. and Mary Hardrick, George Irons, Bettie Mayes and George W. Lynch, nor the deceased ancestors hereinbefore named, returned to the Cherokee Nation after the rebellion within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, Trustee, etc. vs the Cherokee Nation, et al., for the return of freedmen to said Nation; and that all the applicants herein except those last above named, were born since the close of the rebellion and obtained no rights to Cherokee Freedmen citizenship through their ancestors.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein the former decisions of the Commission to the Five Civilized Tribes in this case should be affirmed, and that under the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Moses Hardrick, Silas Hardrick, Sarah Bean; Nelson Hardrick; LeRoy Hardrick; Eliza J. Hardrick, Arthur Lynch; Ethel Lynch; Mattie Lynch Claud Lynch; Mary Hardrick; Amos Lonien; Jackson Lonien, George Irons; Bertha Irons; Bettie Irons; Elnora Nivens; Bettie Mayes; Richard Nero; Mollie Nero; Ned Lyons; Rachel Landrum; Elias Lyons; Nelson J. Lyons, Altha Moore; Oscar Moore; George W. Lynch; Resetta Lynch and Eliza Lynch are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied. And that under the provisions of Section 25 of the Act of Congress (Cherokee Agreement) approved July 1, 1902 (32 Stats., 716), the application for the enrollment of Malinda Hardrick should be, and the same is hereby dismissed.

(Signed) Tams Bixby,
Commissioner

Dated at Muskogee, Indian Territory,
This, FEB 13 1907

COPY.

Cherokee Freedmen

D-357.

Muskogee, Indian Territory, April 18, 1903.

Altha Moore,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself and your brother, Oscar Moore, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-96.

Register

COPY.

Cherokee Freedmen

D-281, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Ned Lyons, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905 rejecting, among others, the application for the enrollment of Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-98

Register

COPY.

Cherokee Freedmen

R-[illegible], et al.

Muskogee, Indian Territory, April 1[illegible], 1906.

Bell, Mustange & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 14, 1906, rejecting the applications for the enrollment of George, Martha and Martha Irons, Elmore Nivens, Bettie Hayes, Richard and Mollie Vero, Ered, Felix and Lemon J. Lyons, Manuel Landrum, Alsha and Oscar Moore, George W., Rosetta and Eliza Lynch, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, was this day transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. C-101

POOR ORIGINAL -
BEST AVAILABLE COPY

COPY.

Cherokee Freedmen
R-36, et al.

Muskogee, Indian Territory, April 14, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Irons, et al., including the Commission's decision dated April 14, 1905, rejecting the applications for the enrollment of George, Martha and Dottie Irons, Elmore Nivens, Bettie Mayes, Richard and Mollie Moore, Ned, Elias and Nelson J. Lyons, Rachel Landrum, Altha and Oscar Moore, George V., Rosetta and Eliza Lynch, as Cherokee freedmen.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-102.

Through the

Commissioner of Indian Affairs.

POOR ORIGINAL -
BEST AVAILABLE COPY

(C O P Y)

DEPARTMENT OF THE INTERIOR:

LAND
30879-1905

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. July 3, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jennanna Irons for her husband , George Irons, her step-children, Bertha and Bettie Irons, and her step-grandchild, Elnora Nivens; by Bettie Mayes for herself; by Emmet Starr for Richard and Mollie Nero (or Irons); by Ned Lyons for himself; by Rachel Landrum for herself; by Elias Lyons for himself and his minor child, Nelson J. Lyons; by Altha Moore for himself and brother Oscar Moore, and by George W. Lynch for himself and his minor children, Rosetta and Eliza Lynch.

April 18, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicants George Irons, Bettie Mayes and Richard and Mollie Nero (or Irons) are all the children of one Nero Irons,deceased; that the applicants,George Irons and Bettie Mayes were slaves of Cherokee citizens at the beginning of the war of the rebellion, were taken out of the Cherokee Nation

Nation during the war and did not return thereto on or before February 11, 1867; and that the applicants, Richard and Mollie Nero (or Irons) are included in a partial list of Creek Freedmen approved by the Department March 13, 1902 , at Nos. 2173 and 2238 respectively, and have accepted their allotments of lands in the Creek Nation. The minor applicants, Bertha and Bettie Irons, are children of the applicant, George Irons, and Minnie Irons, born Lyons, deceased, were born since 1880 and possess no rights to enrollment other than as descendants of their parents; that Minnie Irons, deceased, was born since 1866 and was the daughter of Jeff and Mahala Lyons, both deceased; that Jeff and Mahala Lyons were the slaves of Cherokee citizens at the beginning of the war, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The minor applicant, Elnora Nivens, is an illegitimate child of Bertha Irons and after ample opportunity it has not been established that she possesses any rights to enrollment other than as a descendant of her mother.

The record further shows that the applicants, Ned Lyons, Rachel Landrum and Elias Lyons are children of Jeff and Mahala Lyons, deceased, were born since the beginning of the war, and possess no rights to enrollment other than as descendants of their parents. The minor applicant, Nelson J. Lyons, is a child of Elias Lyons and one Martha Lyons, was born since 1880 and possesses no rights to enrollment other than as their descendant.

On May 28, 1904, the Department approved the rejection of the Cherokee Freedman case of Martha Lyons (I.T.D. 4226-1904)

The evidence further shows that the minor applicants Altha and Oscar Moore, are the children of one Mike Moore, deceased, were born since 1880, and possess no rights to enrollment other than as descendants of their said father; that Mike Moore was the slave of a Cherokee citizen at the beginning of the war was taken from the Cherokee Nation during the war and did not return thereto on or before February 11, 1867.

The evidence further shows that the applicant, George W. Lynch, (son of Mahala Lyons), was the slave of a Cherokee citizen at the beginning of the war, was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11 , 1867. The minor applicants, Rosetta and Eliza Lynch, are the children of the applicant, George W. Lynch, were born since 1880 and possess no rights to enrollment other than as descendants of their father.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

M.M.M.
W

(C O P Y)

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

D.C. 18899-1906

JSJr.
LLB

I.T.D. 8058, 8603, 8741-1905
1867, 1895, 4667-1906.

L R S

May 11, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the consolidated case of George Irons, et al., including its decision of the same date, rejecting the applications for the enrollment of George , Bertha, and Bettie Irons; Elnora Givens; Bettie Mayes; Richard and Mollie Nero; Ned, Elias, and Nelson J. Lyons; Rachel Landrum; Altha and Oscar Moore, and George W., Rosetta, and Eliza Lynch as Cherokee freedmen.

Reporting July 3, 1905 , the Indian Office recommended that the decision of the Commission to the Five Civilized Tribes be approved. A copy of its letter is enclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for a review of the Commission's decision relative to George Iron et al. On the same date they also filed a motion for a review of the decision relative to Elias Lyons et al.

Under date of February 15, 1906, the attorneys for the applicants filed a motion for a new trial in the cases of Altha

and Oscar Moore, and on February 16, 1906, also filed a motion for a new trial in the case of George Irons, et al.

The motions for review filed September 7, 1905, are hereby dismissed.

A consideration of the motions for a new trial, together with the record, shows a sufficient reason for a review and readjudication of the consolidated case. You are therefore directed to reopen the case and permit the applicants and the attorneys for the nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee nation of George Irons, Jeff and Mahala Lyons, and Mike Moore, and also as to whether they have been slaves of Cherokee citizens. You will also fully advise all parties in interest of the points in issue.

Under date of April 27, 1906, the attorneys for the applicants forwarded a request to the Department that in the event of favorable action upon the motions for review in this case, it be considered with the case of Moses Hardrick et al., which was remanded to you for rehearing on April 5, 1906, as the principal ancestors in both cases are alleged to have returned from Kansas in the same party, and the testimony in both cases being practically the same, the applicants, who are poor people, would avoid great expense.

In the absence of further material objections, you will grant said request.

The record, together with the motions, are returned herewith

Respectfully,

JESSE E. WILSON
Assistant secretary

4 inclosures

-Copy- J.F. Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.20043.
I.T.D.8056-1906. May 16, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:-

On May 10, 1906, the Indian Office transmitted to the Department a letter from the attorneys for the Cherokee Nation dated February 24, 1906, forwarding brief in the Cherokee freedman enrollment case of George Irons et al.

The records of the Department show that on May 11, 1906, the consolidated Cherokee Freedman case of George Irons et al. was remanded to you for a rehearing. In view of this action, the communication from the attorneys, together with said brief, is transmitted to be filed with the papers in said case.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

2 inclosures.

D.C.19486.

May 19, 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:-

We are in receipt of a letter from our Washington D C associates advising us that the Honorable Secretary of the Interior has granted a motion for rehearing in the following consolidated Cherokee Freedmen enrollment cases:

George Irons et al F. R. 36
Bettie Mayes------- F. D. 87
Richard Mero (or Irons) F D 1326
Ned Lyons F D 251
Rachel Landrum F D 252
Elias Lyons et al F D 253
Altha Moore et al F D 327
George W. Lynch et al F D 731

We have neglected to advise you that since Mr. Bulger retired from our firm that under our agreement with him we are to try this case and we therefore request that you enter our firm as Attorneys for those applicants.

We recently wrote the Department that we would like to have this case sent back for rehearing as early as possible in order to try it in connection with the Hardrick cases advising the Department that Moses Hardrick, Jeff Lyons, Mahala Lyons, Mike Moore, Thomas Moore and Butler McNair all left South Iola Kansas in the Summer or early fall of 1866 and came to the

Cherokee Nation in the same crowd and at the same time.

You are therefore earnestly requested to set these cases for the same date as the Moses Hardrick et al cases and the same witnesses submitted by us in the Hardrick cases may be considered as our witnesses submitted to you for the trial of the above described cases.

We are ready for the trial of these cases and would be glad to have an early hearing and would like to have these cases tried at Vinita, a motion to that effect being now pending in your office in the Hardrick cases.

Respectfully,

Starr & Patten

Attorneys for applicants.

Cherokee Freedmen
R 36

Muskogee, Indian Territory, May 24, 1906.

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al., that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906, the attorneys filed a motion for a new trial in the cases of Altha and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason being shown to the Department, a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such

testimony as they may desire to submit, relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens".

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request".

You are therefore hereby notified that on Thursday, June 21, 1906, at nine o'clock A.M., this case will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory. There appears to be no objection to this case being consolidated with those of Moses Hardrick, et al., and in your letter of May 19, 1906, it is stated that the ancestors through whom the principal applicants in both cases claim Cherokee freedman citizenship, returned to the Cherokee Nation at the same time.

In your letter of May 16, 1906, you advise the names and addresses of the witnesses you propose to introduce in the Hardrick cases, and you are advised that you will be permitted to introduce the testimony of the witnesses named by you, in the Irons cases, if you so desire. If it is your deisre to introduce in the

Irons cases witnesses other than those mentioned by you in your letter of May 16, you will be required to furnish this office the names and addresses of the additional witnesses proposed to be introduced, in sufficient time to enable this office to give the attorneys for the Cherokee Nation at least two full weeks notice of such additional witnesses.

The Cherokee Nation will be permitted to appear on the above date and introduce in rebuttal, such witnesses as it desires in these cases.

For your information a copy of Departmental letter referred to is enclosed herewith.

Respectfully,

Acting Commissioner.

LMB

Encl. B 74

Cherokee Freedmen
R 36 et al.

Muskogee, Indian Territory, May 24, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 11, 1906, referring to the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the applications for the enrollment of the applicants embraced in the Cherokee freedmen consolidated cases of George Irons, et al., and advising that on September 7, 1905, attorneys for applicants filed a motion for review of the Commission's decision relative to George Irons et al.; that on the same date they filed a motion for review of the decision relative to Elias Lyons, et al.; that on February 15, 1906 the attorneys filed a motion for a new trial in the cases of Althe and Oscar Moore, and that on February 16, 1906, they filed a motion for a new trial in the cases of George Irons, et al.

The motions for review filed September 7, 1905, were dismissed by the Department, and sufficient reason

being shown to the Department a rehearing is ordered in the case to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department further states that on April 26, 1906, attorneys for applicants forwarded a request that in the event of favorable action upon the motion for review in the Irons case, it be considered with the case of Moses Hardrick, et al., which was remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections you will grant said request."

You are therefore notified that these cases will be taken up for hearing at the General Offices of the Commissioner at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, June 21, 1906. There appears to be no objection to the Irons cases being consolidated with the Hardrick cases.

In a letter dated May 19, 1906, from Starr and-

Patten, attorneys for applicants, they advise that it is claimed that the principal applicants in each of these cases, and their ancestors, returned to the Cherokee Nation at the same time. In their letter of May 16, 1906, they advise the names and addresses of witnesses which they propose to introduce in the Hardrick cases, of which you are advised in a separate letter of even date. The attorneys for the applicants have this day been notified that they will be permitted to appear before the offices of the Commissioner on the above date and introduce in both these consolidated cases the testimony of the witnesses named in their letter of May 16. They have been also notified that if they desire to introduce in the Irons cases testimony of any witnesses in addition to those named in their letter of May 16, they will be required to advise this office in sufficient time to give you at least two full weeks notice of the additional witnesses proposed to be introduced. The Cherokee Nation will also be permitted to appear on the above date and introduce in rebuttal such testimony as it desires in this case.

There is enclosed a copy of Departmental letter referred to.

Respectfully,

LMB

Acting Commissioner

Encl. B 78

Cherokee Freedmen
D 357

Muskogee, Indian Territory, May 25, 1906

Altha Moore,

Vinita, Indian Territory.

Dear Sir:

In connection with your Cherokee freedmen enrollment case you are advised that this office is in receipt of Departmental letter of May 11, 1906, in which a motion filed by your attorneys September 7, 1905, for review of the decision of the Commission to the Five Civilized Tribes in your case, is denied. A motion filed with the Department February 15, 1906, for a new trial in your case is granted by the Department, and the record in the case returned to this office and a rehearing ordered to "permit the applicants and the attorneys for the Nation to offer such testimony as they may desire to submit relative to the time of the return to the Cherokee Nation of George Irons, Jeff and Mahala Lyons and Mike Moore, and also as to whether they have been slaves of Cherokee citizens."

The Department states that on April 27, 1906 the attorneys for the applicants in the cases with which your application was consolidated, requested, in the event of

favorable action upon the motion filed in the case, that they be considered with the cases of Moses Hardrick, et al. which were remanded to this office for rehearing April 5, 1906. The Department directs this office "in the absence of further material objections, you will grant said request."

You are therefore hereby notified that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock, A.M., on Thursday, June 21, 1906, and introduce in your case the testimony of the witnesses mentioned in their letter to this office of May 16, 1906, in reference to the cases of Moses Hardrick, et al. There appears to be no objection to the request of your attorneys that your case be consolidated with those of Moses Hardrick, et al., and the attorneys have been so advised.

Respectfully,

LMB

Acting Commissioner.

(C O P Y)

Vinita, I.T. May 30, 1906

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of George Imons et al. as Cherokee Freedmen, we desire to inform you that we have selected the following witnesses on the part of the applicants and we are ready to have them present before the Honorable Commissioner at the time this cause is set for re-hearing:

Calvin Ross, ... Iola, Kansas.
Elizabeth Thomas/ . ? . . Iola, Kansas.
John C. Thomas, ... Iola, Kansas,
Mrs. Sarah Bird . . . . . R.F.D. #3, Longton, Kansas,
Phelix Lorance . . . . . R.F.D. #5 Howard, Kansas.
James Cristy . . . . . Geneva, Kansas.
Jack Morris Sr., ... Iola, Kansas,
John Walters,-- Table Mound Cement Works, Independence Kans
Mrs. Maggie Harville, . . . Iola, Kansas.
Andy Fry, ... Ketchum, I. T.
Millie Fry, ... Ketchum, I. T.
Tobias Bean . . . . . Ketchum, I. T.
Leander Bean . . . . . Ketchum, I. T.
Thomas H. Moore, ... Ketchum, I. T.
Rosa Moore, ... Ketchum, I. T.
Synthia Lynch, ... Ketchum, I. T.
Simon Lynch, ... Ketchum, I. T.
T. R. Thompson, ... Vinita, I. T.
Arthur Bean . . . . . Ketchum, I. T.
Joe Davis . . . . . Vinita, I. T.
Zeb Downing . . . . . Catale, I. T.
Jennie Downing, ... Catale, I. T.
Daniel Sanders, ... Centralia, I. T.
Joseph Bean . . . . . Chaffee, I. T.

We will also recall Nelson Moore, witness for the Cherokee Nation, for further cross examination.

Respectfully,

Starr & Patten
Attorneys for applicants

Cherokee Freedmen
N 38

Muskogee, Indian Territory, June 4, 1906

Starr and Patten,

Attorneys for George Irons, et al.

Vinita, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of May 30, 1906, advising the names and addresses of the witnesses you propose to introduce in the Cherokee Freedmen enrollment case of George Irons, et al.

Respectfully,

LLB

Commissioner

Cherokee Freedmen
R 38

Muskogee, Indian Territory, June 4, 1906

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of letter from Starr and Patten, attorneys for applicants in the Cherokee freedmen enrollment case of George Irons, et al., advising that they will introduce the testimony of the following witnesses on behalf of the applicants:

Calvin Ross, ... Iola, Kansas
Elizabeth Thomas, ... " "
John C. Thomas, ... "
Mrs. Sarah Bird, ... R.F.D. #3, Longton, Kansas
Phelix Leranne . . . . . .R.F.D. #6, Howard, Kansas
James Cristy, ...Geneva, Kansas.
Jack Morris, Sr. . . . . .Iola, Kansas
John Walters, . . .Table Mound Cement Works, Independence,
Mrs. Maggie Harville, .Iola, Kansas
Andy Fry, ...Ketchum, I. T.
Millie Fry, ... " " "
Tobias Dean, ... " " "
Leander Dean, ... " " "
Thomas H. Moore, ... " " "
Rosa Moore, ... " " "

Bell, Hastings & Davenport--2

Cynthia Lynch, ...Ketchum, I.T.
Simon Lynch, ... " " "
T. F. Thompson, ...Vinita, " "
Arthur Dean, ... Ketchum, " "
Joe Davis, ... Vinita, " "
Zeb Downing . . . . . Catale, " "
Jennie Downing. . . . . " " "
Daniel Sanders . . . . . Centralia" "
Joseph Dean, ...Chuffee, I.T., and will recall Nelson Moore , witness for the Cherokee nation, for further cross examination.

Respectfully,

LMB

Commissioner

Cherokee
F R 574 et al.

Muskogee, Indian Territory, July 23, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al., and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-25.
GML

Commissioner.

Cherokee
F R 874 et al.

Muskogee, Indian Territory, July 23, 1906.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 21, 22, and 23, 1906, in the matter of the applications for the enrollment of Moses Hardrick, et al. and George Irons, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-26.
GHL

Commissioner.

Cherokee F.
D 387

Muskogee, Indian Territory, February 13, 1907.

Altha Moore,

Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting, among others, the application for the enrollment of yourself and Oscar Moore as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished a copy of the record of proceedings had in the case, and they have this day been forwarded a copy of the Commissioner's decision.

The decision, together with the record of proceedings hadin the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.HJ-234
JMH

Register.

Cherokee F.
R 574 et al.

Muskogee, Indian Territory, February 13, 1907.

Starr & Patten,

Attorneys for Moses Hardrick, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Encl.HJ-381.
HJC

Commissioner.

Cherokee F.
R 574 et al.

Muskogee, Indian Territory, February 13, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907 dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses Hardrick, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office isinformed of the same.

Respectfully,

Encl.HJ-38.
HJC

Commissioner.

Muskogee, Indian Territory, February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, dismissing the application for the enrollment of Walinda Hardrick and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, LeRoy, William, Mabel, Leona and Eliza J. Hardrick, Arthur, Ethel, Mattie, and Claud Lynch, Mary Hardrick, Ames, and Jackson Louien, George, Bertha and Bettie Irens, Elmora Nivens, Bettie Hayes, Richard and Nellie Nero, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch,

as Cherokee freedmen.

On April 5, 1906 (I.T.D.6966-1904; 8381, 8383, 8385, 8821-1905; 1935, 2830, 5398-1906), the Department rescinded its decision of October 13, 1904, adverse to the claimants in the case of Moses Hardrick, et al., and remanded the case to this office for further hearing and readjudication, and on May 11, 1906 (I.T.D. 8058, 8603, 8741-1905; 1867, 1895, 4667-1906), the Department remanded to this office for further hearing and readjudication the case of George Irons, et al.

Respectfully,

Encl.HJ-39.
HJG.

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND.
16327-1907
19108- "

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from Commissioner Bixby, dated February 13, 1907, enclosing the record on the re-hearing of the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, together with his decision, dated February 13, 1907, dismissing the application for the enrollment of Malinda Hardrick, and rejecting the applications for the enrollment of Moses and Silas Hardrick, Sarah Bean, Nelson, Le Roy, William, Mable, Leona and Eliza J. Hardrick, Arthur, Ethel Mattie and Claud Lynch, Mary Hardrick, Ames and Jackson Lenion, George, Bertha, and Bettie Irons, Elnora Hivens, Bettie Mayes, Richard and Mollie New, Ned Lyons, Rachel Landrum, Elias and Nelson J. Lyons, Altha and Oscar Moore, George W., Rosetta and Eliza Lynch.

There was also filed in this Office on February 25, 1907, an appeal from the Commissioner's decision, together with brief and argument in support thereof, filed in the Office on February 25, 1907, by McGowan, Serven & Mohun, attorneys for the applicants.

The Office has examined the testimony taken at the re-hearing of this case, and is of the opinion that it supports the decision rendered by the Commissioner in this matter. It therefore respectfully recommends that the decision of the Commissioner, rejecting the above named applicants, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

XWR--SD

W.H.M.
J.P.

DEPARTMENT OF THE INTERIOR,

LRS. D.C.12639-1907. WASHINGTON.

I. T. D.
5684, 5712, 5714, 5716,
5726, 5768, 5808, 5822,
5828, 5835, 5850, 5858,
5860, 5866, 5870, 5772,
5880, 5910, 5916, 5934,
5942, 5946, 5948, 5950,
5954, 5960, 5970, 5972,
5996, 5998, 6000, 6002,
all 1907.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of case.	Date of your letter of transmittal.
Moses Hardrick, et al. (freedman),	February 13, 1907.
Alexander M. Anderson,	February 21, 1907.
Emiline Patrick,	February 19, 1907.
Leona Arreta Kincaide,	February 12, 1907.
Neena Worley Hicks, (freedman),	February 22, 1907.
James McCamish,	February 2, 1907.
George W. Hill,	February 15, 1907.
Lydia M. Ward, et al. (freedman),	February 12, 1907.
Mary E. Coker,	February 8, 1907.
Charlotte M. Laughlin, et al.,	February 21, 1907.
Jessie Lee Lignon, et al.,	February 15, 1907.
Joseph Henson,	February 14, 1907.
John Earl Redfearn, et al.,	February 15, 1907.
Minnie L. Peace, et al. (freedmen),	February 13, 1907.
Clark B. Carmany,	February 19, 1907.
George E. Freeman (freedman),	February 16, 1907.

Title of Case.	Date of your letter of transmittal.
Mary J. Graybeard,	February 8, 1907.
Sarah Skaggs, et al.,	January 17, 1907.
Alverts Flemmings, et al. (freedmen)	February 12, 1907.
Tyre Finley (freedman),	February 12, 1907.
Clarence Landrum, et al (freedmen),	February 14, 1907.
Minnie E. Powell,	February 14, 1907.
E.H. Flourney,	February 2, 1907.
Sarah J. Martin,	February 14, 1907.
Elizabeth Coleman,	February 8, 1907.
Roxie Christine Binns,	February 16, 1907.
Ella Hill (freedman),	February 16, 1907.
Jane Langley,	February 6, 1907.
Frances Elizabeth Forbes,	February 12, 1907.
Isabelle J. Paris,	February 9, 1907.
Clarance Hill, et al. (freedmen),	February 12, 1907.
Mary Dean, et al. (freedmen),	January 18, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

32 enclosures, and
70 enclosures to Ind. Of.,
with carbon hereof.

A. F. Mc.
3-2-07.

Cherokee F.
D 357.

COPY

Muskogee, Indian Territory, March 22, 1907.

Altha Moore,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of yourself and brother, Oscar Moore, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

LMC

Cherokee F.
R 631.

COPY

Muskogee, Indian Territory, March 22, 1907.

Starr & Patten,

Attorney for Moses Hardrick, et al.,

Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.C-43
LMC

Cherokee P.
R 574 et al.

COPY

Muskogee, Indian Territory, March 22, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 13, 1907, rejecting the application for the enrollment of Moses Hardrick, et al., as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior, March 2, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl. C-50
LMC

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Ella Moore for enrollment as a Cherokee Freedman.

No. F. D. 357

Henry Pack, of lawful age, being duly sworn on oath states that on the 13 day of Sept, A. D., 1901, he registered to Ella Moore whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Vinita, Indian Territory; and that on the 17th day of Sept, 1901, he received the return card which is hereto attached, signed by the said Ella Moore, showing that he had received said notice.

Henry Pack.

Subscribed and sworn to before me on this the 17 day of Sept A. D. 1901.

J. C. Starr
Notary Public.

F. 2357

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of .....A. D. 1901.

Given under my hand this.....

day.....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of .....,1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the .....day of A.D.1901

.....

Subscribed and sworn to before me this .....day of .....A.D.1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 17 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF The application of Alta Moore for enrollment as a Cherokee Freedman:

Case No. F. D. 357

To Alta Moore Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on the following dates, to-wit: Oct. 22d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 20 day of , 1901.

[illegible]

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

F. D. 357

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1901

ACTING CLERK

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

October 22, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Ulitha Moore et al for enrollment as citizens of the Cherokee Nation.

Moses L. Scott
Atty for applicant

No. 0357

VB. J.D. 337

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 20 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 20th 1901

Post Office Vinita, I.T.

District Delaware.

1. Name Altha Moore Age 17

Owner's name ✓ Citizenship ✓

Year ✓ Page ✓ No. ✓ District ✓

Parents:

Father Mike Moore dead Citizenship Colored

Mother Fannie Moore living Citizenship "

2. ~~Name of wife~~ brother Oscar Moore Age 17

Owner's name ✓ Citizenship ✓

Year ✓ Page ✓ No. ✓ District ✓

Parents:

Father Mike Moore dead Citizenship Colored

Mother Fannie " living Citizenship "

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist. MAY 20 1901

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mot Stenographer J. D. Rosson

x ref to D 251, case of Ned Lyons

R. [illegible]

712307

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Altha Moore,
Vinita, I. T.
Cherokee F-D-357.
Register.

Cher. Fr. R. 869

Trans. from C. Fr. D. 358

Cher. Fr. R. 869

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

Katie Ridge,	Cherokee	Freedmen	D 295
Cornelius Ridge, et al.,	"	"	D 586
Phoebe Johnson, et al.,	"	"	D 589
Henry C. Ridge,	"	"	D 636
Ida Jones, et al.,	"	"	D 647
Ary Lynch,	"	"	R 70
Elnora Vann,	"	"	R 113
Maud Riley, et al.,	"	"	D 591
Rosa Mann, et al.,	"	"	D 594
William Townsend,	"	"	D 636
Mollie Townsend, et al.,	"	"	D 651.
Dennis Hicks Jr., et al.,	"	"	D 355
Joshua Holt, et al.,	"	"	D 344
Sallie Miller,	"	"	D 648
Mary Johnson,	"	"	D 864
Ruth, Vann, et al.,	"	"	D 866
Frank Johnson, et al.,	"	"	D 875
Eliza Hawkins, et al.,	"	"	D 358
Joseph Hicks, et al.,	"	"	D 360
Katie Hicks,	"	"	D 361
James A. Hicks,	"	"	D 362
Frances Johnson, et al.,	"	"	D 676
Anna Butler, et al.,	"	"	D 979
Howard Bushyhead,	"	"	D 980
Katie Davis,	"	"	D 953
Moses Riley, et al.,	"	"	D 258
Andrew Riley, et al.,	"	"	D 260
Jesse Riley, et al.,	"	"	D 261
Frank Riley, et al.,	"	"	D 262
Jerry Riley, et al.,	"	"	D 263
Fannie Scott, et al.,	"	"	D 266
Delilah Johnson, et al.,	"	"	D 267
Lottie Johnson, et al.,	"	"	D 268
Jane Riley,	"	"	D 600
Daniel Thompson,	"	"	D 606
Dick Ward, et al.,	"	"	D 623
Sandy Thompson,	"	"	D 693

Ruth Riley, et al.,	Cherokee	Freedmen	D 579
Hannah Riley,	"	"	D 569
Charles Landrum,	"	"	D 601
Nettie McIntosh,	"	"	D 903
William Riley,	"	"	D 603
Carrie Gibson,	"	"	D 704
Cora J. Wagoner, et al.,	"	"	D 570
Arthur Riley,	"	"	D 571
Elizabeth Melton, et al.,	"	"	D 441
Julius Curls,	"	"	D 269
Riley Curls, et al.,	"	"	D 270
Ophelia Thompson, et al.,	"	"	D 271.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Ary Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Nellie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Nettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Peeson, and minor children, Jessie Millard, Clifford and Maucelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Nathanial Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 28, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Larry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lettie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant, Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 660; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 8504-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purtle C.F.D 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4386, 5028-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 185; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4736-04); in the consolidated case of Katie Thornton et al., C.F.D. 578 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 613, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 353, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March [illegible] 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 660; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 6394-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purtle C.F.D. 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4380, 5028-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. [illegible] (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 185; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4734-04); in the consolidated case of Katie Thornton et al., C.F.D. 578 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 618, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 613, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 350, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Kilpatrick, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Emma Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, [illegible] and [illegible]lton, Maud Riley, Rosa Mann, and William Townsend are children of the applicant Phoebe Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Lee, Eddie, and Stella [illegible] Jones, are children of the applicant Ida Jones, were born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elnora Mann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (said William Riley's rights to enrollment are considered below, C. F. D. 363), was born since 1866, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Mann, is a child of the said applicant Rosa Mann, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Mann, father of the said applicant Josephine Mann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1906, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Mann, and one Rosa Martin, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 254 and 268 the Commission found that the said Jesse Mann and Rosa Martin possess no rights to enrollment as Cherokee freedmen, and [illegible], and November 18, 1904, Departmental letters I.T.D. [illegible], said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lettie and Joseph Hicks; that the applicants Lettie Hicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Eliza and Tyndle E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 579, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a noncitizen of the Cherokee Nation at the commencement of the rebellion, and that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley, wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Inie, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 6963-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Nettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully contradicted and repeatedly impeached, it is considered by this office, that, after hearing the testimony of numerous witnesses interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department." It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNairRRiley family.

FOR ORIGINAL, IF AVAILABLE SEE COPY

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 498-D 664 and D 863). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Bettie McIntosh, and that the said two last named applicants were born in 1864 and 1862, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 562, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 613 (R 282), and D 607 (R 283), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5843, 11776-04), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrthe Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Hold, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this Oct. 13, 1905.

(COPY)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al.	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	638
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70
Elnora Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	636
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	355
Eliza Hawkins et al.,	Cherokee Freedmen	D	358
Joseph Hicks et al.	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson,	Cherokee Freedmen	D	864
Ruth Vann et al.	Cherokee Freedmen	D	866
Frank Johnson et al.	Cherokee Freedmen	D	875
Frances Johnson et al.	Cherokee Freedmen	D	676.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy,

Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1906 (I.T.D. 17884-1905), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 9 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1906; Katie Ridge, D 295; Cornelius Ridge et al. D 586; Phoebe Johnson et al. D 589; Henry C. Ridge D 638; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D 594; William Townsend D 636; Leroy Hicks et al. D 355; Eliza Hawkins et al. D 358; Joseph Hicks et al. D 360; Katie Hicks D 361; and James A. Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their rights to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelias Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. F. D. 660 the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 7, 1904-I.T.D. 3470-1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks, (Their father, Dennis Hicks, case D 350 infra.) Eliza and Tyndle E. Hawkins Joseph, Otto A., Katie and James A. Hicks, were born since 1866 and possess no right to enrollment as Cherokee freedmen except as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee Eddie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Bettie Hicks; that the applicants Bettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906; that the applicants Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford, and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank Johnson (In C.F.D. 853 the Commission to the Five Civilized Tribes found, on April 22, 1905, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 25, 1906-I.T.D. 7712-8846-1906), and Frances

Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Bettie Hicks and Joshua Holt, and of Anderson Johnson deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904(I.T.D. 7192-7993-1904). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Welcome (I.T. D. 5848-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 28 1907

C. F. D. 358.

FILED

DEC 22 1898

Jas. A. Winston,
CLERK.

MARRIAGE LICENSE.

United States of America,
Indian Territory, } ss.
Northern District.

No. 723

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. Arthur Hawkins of Vinita, in the Indian Territory, aged 23 years, and Miss Eliza Hicks, of Vinita in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this license to the parties therein named.

Witness my hand and official seal at Vinita, Indian Territory, this 19" day of October, A. D. 1898.

(SIGNED) Jas. A. Winston,
Clerk of the U. S. Court.

By J. C. Anderson, Deputy.

(SEAL) ::::::::::::::::::::::::::::::::::::

CERTIFICATE OF MARRIAGE.

United States of America,
Indian Territory, } ss.
Northern District.

U.S.Revenue Stamps 10¢
Canceled.

I, Rev. E. C. King, a Minister of the Gospel, do hereby certify, that on the 19 day of Oct. A. D. 1898, I did duly and according to law as commanded in the foregoing license, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 19 day of Oct. A. D. 1898.
My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B., Page 72.

(SIGNED) E. C. King.
A Minister of the Gospel.

NOTE.--This License and Certificate of marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable in the amount of One Hundred Dollars ($100.00).

C E R T I F I C A T E O F R E C O R D.

United States of America,
Indian Territory, } ss.
Northern District.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 22 day of Dec. 1898, at.....M., and duly recorded in Book G, Marriage Record, Page 311.

Muscogee Ind. Ter.

Witness my hand and seal of said Court at Tahlequah, in said Territory, this 23 day of Dec A. D. 1898.

(SIGNED) Jas. A. Winston, Clerk.

By.....Deputy.

::

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 25, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the foregoing and above transcript is a true and complete copy of the original on file with this Commission.

Commissioner.

Subscribed and sworn to before me this 9th day of August, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 12 1901
ACTING CHAIRMAN.

and that same are true and correct to the best of my knowledge and belief.

M.D. Green, being first duly sworn upon oath states that he is the Commissioner to the Five Civilized Tribes, and that the foregoing copies of the original papers in the matter of the application of Jackson Vaught for a certificate of citizenship in the Choctaw Nation, are true and correct copies of the original papers.

J. J.

F. F.

To be filed in case of Eliza Hawkins, et al. Cher. Fr. 40 358

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 18, 1901.

In the matter of the application of Dennis Hick for the enrollment of himself, his wife, and five children as Cherokee Freedmen

Dennis Hicks, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dennis Hicks.
Q How old are you? A I am 52 years old the 15th of June,
Q What is your post-office? A Vinita.
Q In what district do you live? A Cooweescoowee; well I live in Saline, or Delaware it is; my home is in Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir. not unless you will accept my certificate; I am not a freedman.
Q You want to apply? A Yes, sir, I want to apply.
Q As a Freedman? A No, sir, ~~I want to apply~~ as intermarried.
Q You are an African are you? A Yes, sir.
Q Who is it you want to apply for besides yourself? A Five minor children.
Q And have you a wife you want to apply for? A She will apply for herself I guess.
Q We would ~~rather~~ rather the family would come together? A Well.
Q You apply for yourself, your wife and five minor children?
A Yes, sir; the wife of them children though is dead.
Q You apply for yourself as an intermarried man do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here since 1872.
Q How many times have you been married? A Twice.
Q Give me the name of your first wife? A Mary Ridge.
Q Is she dead? A Yes, sir.
Q What was she, a Cherokee Freedman? A Yes, sir.
Q When did you and ~~she~~ her marry? A 1872.
Q How long has she been dead? A Been dead four years.
Q Did you and she live together until she died? A Yes, sir.
Q What was the name of her father? A Henry Ridge.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 18 years.
Q Give me the name of her mother? A Kati Ridge.
Q Is she dead? A No, sir.
Q Did you get out a Cherokee license when you married this woman?
A Later on I did; a preacher married me in the first place.
Q Have you that license? A Yes, sir.

Commissioner: The applicant presents a license issued by the Clerk of Cooweescoowee District, December 12, 1892, as well as it can be made out, authorizing marriage between himself and Mrs. Mary Hicks, nee Ridge. The certificate shows that they were united in marriage on the 12th day of December, 1892, by the Rev. A.W.Lewis, and it is endorsed as having been recorded on the 12th day of December, 1892. This is filed herewith.

By J.S.Davenport, Cherokee attorney: The representatives of the Cherokee Nation present protest against the introduction of the marriage certificate, under §659, page 329, of the Compiled laws of the Cherokee Nation of 1892.

Commissioner: This protest will be considered in the final determination of the case.

Q Now give me the name of your second wife? A Her name is Bettie Holt.
Q Is she living now? A Yes, sir.
Q Was this wife ever married except to you? A No, sir.
Q How old is your present wife? A She is 56 years old.
Q When were you and she married? A About 2 years ago.
Q Have you a certificate of marriage? A I have at this Court

down here, I haven't it with me, it is down at the house.
Q You claim that Bettie Holt is a Cherokee Freedman? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A I can't tell you how long, all her life though pretty near I suppose.
Q Give me the name of her father? A I don't know him, sir.
Q Give me the name of her mother? A Her name is Easter Hill.
Q Is she alive? A Yes, sir.
Q Was this wife ever married before she married you? A Why I think so, I don't know.
Q Give me the names of these children, begin with the oldest; these five children.
A Commence at Leroy Hicks.
Q How old is that child? A He is about 19 years old.
Q What is the next child? A Dennis Hicks, Jr.
Q How old is Dennis? A Dennis is about 17, going on 18 I believe he is.
Q Give me the name of the next child? A The next one is Delana Hicks.
Q How old is that child? A She is about, I think she is at 14 years old.
Q Give me the name of the next child? A Mabel Hick.
Q How old is that child? A She is about 12.
Q The next child? A Elmer.
Q How old is that child? A Nine, going on 10.
Q Are these children all living now? A Yes, sir, all at home.
Q Are these children of your first wife? A Yes, sir.
Q Are you on any roll of the Cherokee Nation? A Me myself, no sir.

The 1880 authenticated roll of the Cherokee Freedmen examined, and the applican ,Dennis Hick, nor Mary, his first wife, not identified on said roll.
The 1880 authenticated roll of the Cherokee ~~Nation~~ Freedmen examined and the applicants not identified thereon.
Q Did your wife ever draw Cherokee strip money? A Yes sir.
Q Did you draw Cherokee strip money for these children? A Yes, sir; no, sir, they didn't give her this last money; the children did.
The Kerns Clifton roll examined, and the applicants identified thereon as follows:
Dennis Hicks ~~not~~ on said roll.
Mary Hicks not on said roll.
Leroy Hicks ~~not~~ on page 120 No.2976, Delaware District.
Dennis Hicks, Jr., on page 120 No.2977, Delaware district; as Dennis Hicks.
Delana Hicks, on page 120 No.2979, Delaware district; as Delaney Hicks;
Mabel Hicks, on page 120, No.2979, Delaware district;
Elmer Hicks, on page 120, No.2980, Delaware District.
The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Bettie Hicks not identified thereon.
The Kerns-Clifton roll examined and the applicant Bettie Hicks, identified thereon, page 163, #4035, Coowescoowee district, as Bettie Holt.
Commissioner: What I would like particularly to know at this point is the status of the applicant's first wife, whereby rings whatever claim he may have as a joint married man and the claims of all ~~of~~ these children.
Mr. Edgar Smith, attorney for applicant: That is what I want to clear up.
Mr. Smith: Who was your first wife? A Mary Ridge.
Q Who was her mother? A Katie Ridge.
Q Who was her father? A Henry Ridge.
Q Did she have any sisters or brothers? A Yes, sir.
Q Who were her sisters and brothers? A Cornelius Ridge, Phoebe

Ridge, and Jesse Ridge, he is dead though.
Q Do you know Katie Ridge yourself? A Yes, sir.
Q How long have you known her? A I knowed her first in time of the war.
Q Where does Kate Ridge live now? A She lives on the river.
Q What river? A Grand river.
Q How far from Vinita? A About 16, about 18 miles.
Q Has she been here during the sitting of the Commission at this place? A Yes, sir.
Q Do you know whether she made an application for the enrollment of herself or not? A Yes sir.
Q How long did you and your wife live together here in the Cherokee Nation? A We lived together about 29 years in all; no, we lived together, between 29 years since we married; it is about 29 or '7 years.
Q Was that up to the time of her death? A Yes, sir, up to the time she died.
Q Where did she die? A Herein Vinita. I don't know just exactly how many years.
Q You yourself don't know where your wife was during the war or in 1866? A Why she was during the war at Springfield.
Q Do you know of your own personal knowledge when she came back? A They came back right after the war; they left the place where they were and said they were coming to the Nation, that is all I know about it.
Q What place was that? A Springfield, out in the country about four miles from Springfield; we lived right on the same house; we lived in that house about a year together.
Q When was it they said that, when did they leave and tell you they were coming back? A The year after they brought corn in down here to Gibson for the Indians, my father-in-law was hauling corn down here for them and the next fall they moved, said they were coming to the Nation.
Commissioner: That was Springfield, Missouri? A Yes, sir.
Mr. Smith: Are you able to state what year that was in? A That was the year the war closed they hauled the corn in, and the next fall they moved.
Q And said they were coming to the Cherokee Nation? A Yes, sir, I didn't see them for a good while after that.
Q And when did you next see her? A When I came here in 1872, or I first met them again in Joplin, that is before I came down here, and I married down here in 1872.
Q Where did you marry? A Down here on Grand river.
Q Have you lived in the Cherokee Nation ever since that time? A No, sir, I haven't, I went backwards and forwards to Joplin, I took my family up there one, they were up there about two months, came to visit me; I was a blacksmith and I had to work out for a living.
Q And you were there about how long? A She was there about two months, I was there about six months.
Q Is there anyone here who knows who your wife's mother was? A Yes sir, everybody present.
Q Well we don't want all of them; who knows who your wife's mother was, A I can see Fred Martin and Mrs. Amy Bean.
Mr. J. S. Davenport: Cherokee attorney: How long have you lived back and forth at Joplin? A I worked back and forth there about three or four years myself; the most of the time she was away, all the time, and I wasn't there, I never was away from here but few months at a time.
Q That was your place of business, of work? A Yes, sir, yes, sir, there is where I worked.
Commissioner: What was your wife doing up at Joplin at that time? A They lived up there a little while, they were living up there.
Q How far is Joplin from Springfield? A It is 75 or 80 miles.

Q How long had you been there when you met them at Joplin? A Me, they were there when I went there, there was a great boom there and I went down there.
Q In what year was it you moved? A That was in '72.
Mr. Davenport: You say they were living there when you moved over there? A Yes, sir, they didn't been there long though.
Q How long did they stay there after you met them? A They came right away that fall, I went down in the spring and they came away that fall.
Q How do you know that? A They said they hadn't, I don't know anything about it.
Mr. Smith: You stated I believe when they left Springfield the first time they stated they were coming to the Cherokee Nation? A Yes sir.
Mr. Davenport: The next time you saw them after they left Springfield and said they were coming to the Cherokee Nation, was at Joplin, Missouri? A Yes, sir, that was a good while after they left Springfield.
Q They left Springfield and said they were coming to the Cherokee Nation, but the next time you saw them was in Joplin, Missouri, and in the same state of Missouri? A Yes, sir.

Amy Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your name? A Amy Bean.
Q How old are you? A 45a
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Mr. Smith: Do you know Dennis Hicks, the applicant in this case? A Yes, sir.
Q How long have you know him? A Well, I really don't know, I guess about 27 or 8 years ago I first got acquainted with him.
Q Did you know his first wife? A Yes, sir.
Q What was her name? A Mary Hicks.
Q What was her name before she married him? A Ridge.
Q Who was her mother? A Kate Ridge.
Q Where does Kate Ridge live now? A She lives on yonder side of Grand river.
Q What post office? A Spavinaw I think that is her post office name.
Q Do you know whether she is the same Kate Ridge who applied here the other day for enrollment? A Yes sir, she is the same one applied up at the other table.

Mr. Smith: I will just ask to have the copies of the testimony in the Ridge case filed with this case.

Fred Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Fred Martin.
Q How old are you? A 43.
Q What is your post-office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Dennis Hick, the applicant here? A I do.
Q Do you know his wife, his present wife? A Yes, sir.
Q What is her name? A Bettie Hicks; it was Bettie Holt before he married her.
Q How long has he been married to her? A I don't know just exactly how long he has been married, something over 2 years.
Q Do you know them as husband and wife? A Yes, sir.
Q They are living together in that way, are they? A Yes, sir.
Q They are recognized in the community as husband and wife? A Yes, sir.
Q How long have you known her? A Well, I don't know, I have known her a long time.
Q Was she ever married before she married this man? A I don't know

Q Has she any children? A She has one to my personal knowledge.
Q But you don't know whether she has ever been married or not?
A No, sir, I don't know whether she has ever married.
Q Have you ever known her to live with another man as husband and wife? A No, sir, except Dennis.

Dennis Dick, re-called, testified:
Mr. Smith: Dennis, your present wife claims to be entitled to be enrolled upon the freedmen roll in her own right? A Yes, sir.
Q What proof does she depend upon in her case? Is that proof present this evening or not? A I don't know that it is, I think they are out west somewhere.
Q She will have to get that proof and make it in addition to the proof in your case, and it will be one case then.

Commissioner: The applicant applies for the enrollment of himself, his wife and five minor children. The applicant is shown by the marriage license and certificate filed herewith to have been married in accordance with Cherokee law to his first wife, now deceased, one Mary Ridge, in 1892, they having previously been married according to the testimony, under United States law. The applicant is a colored man and he claims as a Cherokee Freedman by intermarriage. He states that neither he or his first wife were ever previously married. He is not upon any roll, and his first wife is not upon the roll or 1880 or upon that of 1896, or upon the Kerns-Clifton roll.
Q How old was your wife Mary Ridge when she died? A She was about 42.
The Wallace roll examined, and Mary Hicks, identified thereon, page 118, No. 2485, Cooweescoowee District.
She is identified on the Wallace roll. Reference is made to the testimony as to her status, and also to the case of her mother, Katie Ridge, Cherokee Freedman Doubtful card D295, and the applicant will now be listed on a doubtful card as a Cherokee Freedman by intermarriage.

His present wife, for whom he makes application, Hettie Hick, is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or 1896. But little testimony has so far been taken in her case, and to await further identification of the status of this woman, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's marriage to his second wife will also enter into his own rights as far as he may possess a right by intermarriage, and it has been established by satisfactory testimony, but it is not entirely clear whether she was previously married or not, so far as it may affect his rights.

As for the five children named in the testimony, they are all five identified on the Kerns-Clifton roll. These are the applicant's children by his first wife, Mary Ridge. They are living and to await the determination of her status, and for the further consideration of their case, they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

The final decision of the Commission will be made known to the applicant at his post-office address.

Mr. Smith: Do you know whether your present wife was ever married before she married you? A I don't know, sir.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereon.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 20th of May, 190-.

(signed) C. R. Breckinridge, Commissioner.

SUPPLEMENTAL as to bettie Hicks, D 355.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11,1901.

In the matter of the enrollment of Bettie Hicks as a Cherokee Freedman; being sworn and examined by Commissioner Needes, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant.
Mr. Semp rt, for Cherokee Nation.

Q What is your name? A Bettie Hicks.
Q How old are you ? A Going on 58.
Q What is your post-office address?A Vinita.
Q What district do you live in? A I live in two districts, Cooweescoowee and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Mamma was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself?A My daughter, Frances Johnson.
Q She married? A Yes sir.
Q She can apply for herself, have you any minor children you desire to apply for? A No sir.
Q Have you any witnesses here? A Yessir.
MR. SMITH:
Q Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes sir.
Q Is she the same Easter Holt who applied here yesterday? A Yessir.
Q Have you any brothers and sisters?A Yessir, Sallie Miller, Josh Holt, Tecumseh Holt, Mose Holt.
Q Who was your father?A Jess Hicks.
Q Were you born a slave? A Yes sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian?A Yes sir.
Q In the Cherokee Nation? A Yessir.
Q Where were you at the time the Civil War commenced?A At Webbers Falls
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yessir.
Q Did you go out of the Cherokee Nation? A Yes sir.
Q Where did you go? A Fort Scott.
Q When did you return to the Cherokee Nation? first after the war? A June, '66.
Q Where d you go to?A Ft. Gibson.
Q How long did you stay about Ft. Gibson at that time? A I were there something over a year.
Q About how old were you at that time, in June, '66? A I don't know just how old.
Q Well were you grown? A Yessir, young woman.
Q You were not married? A No sir.
Q When did you marry first? A I didn't marry.
Q You are married now? A Yessir.
Q How long have you been married? A Three years, September.
Q Up to the time you married three years ago, what occupation did you have, what was your business?A Just worked around.
Q What kind work did you do ? A Any kindof work, worked in hotel most of the time, Chamber work.
Q You were a chambermaid? A Yes sir.
Q How long have you lived at Vinita? A I have livedin Vinita off and on since '79, up until '82, I left there, and then I went away and come back 12 years ago.

Q After you came back to Ft. Gibson in '66 I believe you stayed that you remained there about a year? A Yes sir.
Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to Big Creek where my mother was.
Q Where is Big Creek? A Up here. (indicating.)
Q What nation is it in? A Cherokee Nation.
Q Do you know of your own knowledge when your mother and brothers Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.
Q Left them where? A Ft. Scott.
Q What was your uncle's name? A Andy Daugherty.
Q You don't know actually when they reached the Cherokee Nation yourself? A No sir, but time I left them they were fixing to go away and I went to Ft. Gibson.
Q You didn't come back with them? A No sir, they went with my uncle, and I went to Ft. Gibson, because my sister was down there.
Q What was your sister's name? A Sallie Miller, is her name now.

BY MR. DAVENPORT:

Q You went with your sister? A No sir, my sister went first to Ft. Gibson.
Q How long after your sister went to Ft. Gibson was it before you went? A Not very long.
Q Year or such a matter? A No sir.
Q You went to Ft. Gibson and stayed awhile, and then you went back to Ft. Scott? A Yes sir.
Q How long did you stay at Ft. Scott when you went back the next time? A Couple of months, probably longer.
Q When you left Ft. Scott that time where did you go? A I went over to Big Creek.
Q To what point on Big Creek did you go? A Where my uncle Andy lived.
Q Where was your mother at that time? A At Uncle Andy's.
Q In what country? A Cherokee Nation.
Q What part of the Cherokee Nation? A On Big Creek there.
Q Was she near what is known as the Fall leaf place was? A Close to there somewhere.
Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.
Q You have never heard of that name? A Yessir, but I didn't know anything about him.
Q When you left Big Creek where did you go? A I came down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency, in the Creek Nation.
Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee.
Q How long did you stay at Parsons? A Two years.
Q Parsons, Kansas? A Yes sir.
Q Then where did you go? A Muskogee.
Q How long did you stay in Muskogee that time? A About five years.
Q After you stayed in Muskogee five years where did you go? A To Vinita.
Q That was the time you speak of being in Vinita in '79? A Yes sir.
Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Eureka Springs, I was sick, and came back in 1880 and worked for Henry Eiffert.
Q You have been out since that time? A On a visit.
Q You have never been anywhere since 1880? A Just when I would go out to work.
Q How long have you worked out in seasons since that time? A I don't know.
Q You have been out several years, you worked at different places? A Yes sir, just little while at a time.
Q What places have you worked since that time, in the states? A I haven't worked anywhere.
Q You haven't been anywhere since 1880? A Yessir, I was out, I left there

about '82.
Q Where did you go then?A I don't know where I did go.
Q When did you come back to Vinita after you left there in 1880? A In '89 I think.
Q And have been living there since that time?A Yes sir, right there, sir
Q You don't know anything about when your mother came back to the country do you, as to what year it was?A No sir, I don't.
Q You know your sister Sallie came back before you did?A Yes sir.
Q You don't know when your brothers came?A They was with my mother, three little brothers.

BY COM'R NEEDLES

Q When were you married? A It will be three years in September.
Q That your first time? A Yessir.
Q When you were going out, in your testimony to Mr. Davenport, going out in the states working, were you a single woman?A Yes sir.
Q Your mother have a home at that time in the Territory?A Living with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation? A It dught to be on the 1880 roll, but it can't be found.
Q On any other rolls? A On the Clifton roll.
Q What was your name before it wasHicks?A Holt.
Q What is your mother'sname?A Ester Holt.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q You say you have gradchildren?A Yessir.
Q I thought yousaid you were never married to anybody but Mr. Hicks four or five years ago? A It will be three years in September, I have one daughter.
Q Has your daughter applied to be enrolled? A No sir, not yet.
Q She has got a child? A She has four children.

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M.D.Green,being first duly sworn,statesthatas stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in thiscase and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D.Green,

Subscribed and sworn to before me this June 20,1901.

(signed) T. B. Needles,
Commisioner.

REMAINDER OF THIS CASE TAKEN BY STENOGRAPHER, J.O.ROSSON:

* * * * * *

Supl.-F.D.#355, Con'td 1.

June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of BETTIE HICKS.
Former portion reported by Stenographer, M.D.Green.

APPEARANCES:
MESSRS SMITH & MELLETTE, for Applicant;
MR. DAVENPORT, for Cherokee Nation.

POLLY NIVENS, being duly sworn, by Commissioner T. B. Needles testified as follows;EXAMINATION BY MR. SMITH, of Counsel for applicant:

Q State your name ? A Polly Nivens.
Q Where do you live? A Fort Gibson.

Q How long have you lived there?A All my life.
Q Do you know Bettie Hicks thisapplicant? A Yes sir.
Q How long have you known her? A I known her just a while before the war.
Q Was she a slave? A Yes sir.
Q Whom did she belong to?A Old lady Holt I suppose.
Q WasMrs. Holt a Cherokee?A Yes sir.
Q Where did she live before he war?A She lived at Webbers Falls on this side of the river.
Q Where was this applicant, Bettie Hicks at the time thewar commenced, do you know? A I don't know, sir.
Q How long before the war had you seen her there at Holt's? A It was a good little while before the war; when the steam boats was running she was coming up to my Mistress' on a visit.
Q Do you know how long that wasbefore the war?A No, sir, I don't.
Q When did you see this applicant, Bettie, in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
Q Whenwas that?A That was when the Refugees was drawing; I was in there cooking for the refugees, cook for the Commissary Clerk.
Q Whatwere the Refugees doing?A They was issuing rations and the clerk wasissuing rations to them and I was cook for him.
Q And you mean the people that ~~xxx xxxxxxxxx~~ had gone out of the Nation during the war?A Yes sir, they was all getting back to their homes.
Q Had you been out or remain in the Nation? A I remained in the Nation; I just went out on Byiar Town and come back before peace wasmade.
Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and Freedman too.
Q Are you a recognized citizen?A Yes sir.
Q On the 1880 roll? A Yes sir, alwayshasbeen.
Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it wasjust after peace was made and they ordered them all to come in.
Q When you saw her? A Yes, sir.
Q How long did they issue these rations and keep that up as well as you remember?A I don't know exactly how long; they stopped and begin; I could not tell how long I cooked about two years right along there.
Q Right soon after peace wasdeclared?A Yes sir, right after peace was declared.

BY MR. DAVENPORT:

Q Was she a grown young woman then? A Yes sir.
Q Now, you saw her owner one time before thewar ~~xxx~~ when her Mistress come up to your Mistress' house? A Yes sir.
Q What was she doing there?A She was waiting for her.
Q Howmany girls would she usualy carry with her? A She sometimes would have one.
Q How many waiters did she have up there?A One.
Q Didn't you testify in the Sallie Millsw case yesterday? A Yes sir.
Q Now when you testified in that case yesterday, didn't you testify that Sallie Siller was with Mrs. Holt when she visited your mistress at Fort Gibson as the waiting girl of Mrs. Holt? A Yes sir, that is right.

BY MR. SMITH:

Q Did Mrs. Holt; what do you mean by that, now you saw Mrs. Holt brought Sallie up there?A Sometimesbring Sallie and sometimes bring Bettie.
Q Did she make more than one visit? A Yes sir, she visited more than once.
Q Well when you spoke of Mrs.Holt having brought Sallie up there as her waiting girl was that the same trip you are talking about now? A No, sir, they come up several times, come on the steam boat named Pilot.

BY MR. DAVENPORT:

Q They came quite often to visit Mrs.Nivens?A Several times, we went down there several times.
Q She carried you with her?A No, sir, not every time.
Q Then you have been down there and seen her? A Yes sir; I have been to Mts. Holt's that is right.
Q And Holt's lived in Flint District didn't they?A ~~Yxxxxxxxx~~ The Holts I am talking about lived at the Falls.
Q You don't know whether they had ever lived up in Flint District?
A No, sir.

HARRY STILL, being sworn and examined testified as follows:
BY MR. SMITH:

Q State your name? A Harry Still.
Q Where do you live? A Hayden.
Q How old are you? A 54.
Q Do you know this applicant, Bettie Hicks? A Yes sir.
Q Did you know whom she belonged to? A Belonged to Bill Holt.
Q Washe a citizen of the Cherokee Nation? A Yes, sir.
Q When did you first see this applicant, Bettie Hicks in the Cherokee Nation after the war? A About '79 I believe.
Q Where was that? A Vinita.
Q Have you known her, or rather have you known anything of her whereabouts since that time? A Yes sir.
Q Have you seen her often or a few times? A Often from the time I come to Vinita.

BY MR. DAVENPORT:
Q Where was Bill Holt living when you knew this woman at his place? A Hishome was, Bill Holt, was down here on the Arkansas, where I saw this woman.
Q What part of theArkansas?A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Canadian District, I reckon.
Q Near what point that you can name? A It wasnt not far from the old ranch there.
Q I don't know where the Whitmire Ranch ~~xxx~~ was? A It wason the Arkansas river there, I know I saw Bettie distinctly.
Q On what side of the Arkansasdid you see this Bettie as a slave of Bill Holt? A I don't know which side; I think it wason the other side.
Q You were there at his place wasn't you? A No, sir, he wasat our place.
Q Did he have all hisdarkiesdownthere?A He didn't have all of them, I saw Bettie.
Q Where was Bettie when you saw her? A I don't know.
Q How old was she when the war broke out? A She was grown woman.
Q Grown woman?A Looked like to me.
Q And you don't know where it was you saw her? A I don't know; I know distinctly I saw her when I went to Kansas.
Q How many sisters had Bettie? A She had Sallie.
Q Which is the older Sallie or Bettie?A I don't know, I think Sallie is the oldest.
Q And you don't know which side of the river Bill Holt'splace wason?
A No, sir.
Q Which side of the river was Whitmire'sranch?A On the Northside.
Q And Vian Creek?A On this side I reckon.
Q And on which side of the river wasBill Whitmire's rachon? A On the East side, towards Fort Smith.

Com'r Needles: In this action theattorney for the applicant prays that the testimony taken in the case of theapplication of Joshua Holt for enrollment as a Cherokee Freedman be made a part of the record in the case at bar; said Joshua Holt having been listed for enrollment on doubtful card #644, and a copy of said testimony will be ~~xxxx~~ filed with the testimony taken in the case of the applicant.

---oooOOOooo---

J.O.Rosson, being first duly sworn, statesthat as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedingsin thiscase and that the foregoing is a true and complete transcript of his stenographic notesthereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this 24th day of June, 1901.

(signed) T.B.Needles
Commissioner.

* * * * * * * *

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 10,1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six childrenas Cherokee Freedmen; being sworn and examined by Commissioner Needles he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr.W.W.Hastings, for the Cherokee Nation.

Q What is your name? A John Holt.
Q How old are you?A 52.
Q Whatis your post-office address?A Vinita.
Q What district do you live in?A Cooweescowee.
Q You apply to be enrolled as a Cherokee Freedman?A Yessir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then?A No sir.
Q Who do you wat to enroll beadesyourself?A My mother first.
Q Well the second?A My wife, and children and self.
Q Where is your mother?A She is out there.
Q She can appear for herself?A She is so old she don't have any recollection, I think she ispretty near a hundred yearsold, and not able to give in hardly.
Com'r: You can let your mother come and apply, and youcan be a witness for her.
Q Your wife and children, you say? A Yes sir.
Q Whatis your wife's name?A Jane Hold.
Q How old is she? A 32.
Q What are the namesof your children?A Laura Holt.
Q How old?A 19.
Q Next one? A Ella Holt, 13.
Q Next one?A Jessie Holt, LO, Willard Holt, 9; Clifford Holt, 6; Maucelia , three monthsold.
Q That's six children? A Yes sir.
Q Are these children all living at this time?A Yes sir.
Q Living with you? A Yessir.
Q Whatwas your wife's father's name?A Anderson johnson.
Q Was he a Cherokee Freedman?A No sir.
Q Is your wife'sfather's name on the roll of 1880?A No sir.
Q You say your name is on the Kern-Clifton roll? A Yes sir.
Q Isit on the Wallace roll? A Yessir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 147 #3639 John Holt, Cooweescowee District;
page 147 #3640 Laura Holt, Cooweescowee District;
page 147 #3575 Jane, Holt, Cooweescowee District;
page 147 #3642 Jessie Holt, Cooweescowee District;
page 147 #3641 Ella Holt, Cooweescowee District;

Page M 7 #3643 William Holt, Coowesoowee District.

Q You didn't draw for Clifford did you?A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon asfollows:
Page 117 #2476 John Holt, "District, Fort Scott, Kansas."
page 117 #2477 James Holt, "Fort Scott, Kansas."
page 117 #2478 Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Commissioner Needles testified as follows:

Q Whatis your name? A Esther Holt.
Q How old are you? A Along about 85.
Q What is your post-office?A Vinita.
Q What district do you live in? A Coowee coowee.

Applicant re-called, and further examined;
BY MR. SMITH.
Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yessir.
Q Who wasyour owner?A Bill and Nellie Holt.
Q Were they Cherokee Indians? A Cherokees by blood.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes sir.
Q Where were you when the Civil War commenced?A I was at Webbers Falls Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where did you go?A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brother'sname?A Tecumseh Holt and James Holt.
Q Where is JamesHolt? A I have not saw JamesHolt for twenty years.
Q You don't know where he is? A No sir.
Q Where is Tecumseh Holt?A He is here somewhere.
Q Where doeshe live? A Vinita.
Q What isyour mother'sname? A Esther Holt.
Q Whatwas your father's name? A Jonas Pack.
Q Where did he die?A He died when the emigratsleft this Nation going to California in about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country isdeveloped now?A I don't understand you.
Q I mean to say at what point on Big Creek didyou come? A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now?A It wason George Duffin.
Q I mean asto what post-office is it now?A Near Edna, Kansas.
Q How far is it from where Hayden isnow?A I don't know, Hudson may be closer I think, Hudson post-office is nearer than Edna, Kansas.
Q You think it is nearer what isnow Hudson?A Yessir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again.
Q Well you were then about how old? A I can't tell exactly how old I wasabout that time.
Q Were you married? A I wasunmarried at that time.
Q When did you marry?A I married in 1899.
Q Were you ever married before that?A No sir.
Q Were you a single man from '66 up to '99? A Yes sir.

Q Do you mean '99, three years ago? A 1889.
Q Then you were mistaken when you said 1899? A Yes sir, I was mistaken.
Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maucelia? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 2 or 13 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q ~~How long back~~ Was your mother a slave? A Yes sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q The same persons you have mentioned in your own testimony? A Yes sir.
Q Where was your mother when the Civil War commenced? A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did? A She went out at the same time I did.

Examined by Com'r Needles:
Q Do you live in Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason I didn't appear at that Commission.

By Mr. Hstings:
Q Your present wife is the only wife you have ever had? A Yes sir.
Q You testified that you married her in 1889? A 1889.
Q Your oldest child is 19 years of age, you have given, Laura? A Yes sir, she is my step-child, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anything about their being your step-children? A I think I did, I am not certain.
Q What was your wife's maidenname? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee District.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Anderson johnson.
Q Who was her mother? A Dinah Johnson.
Q Where did you marry her? A Cooweescoowee District, Big Creek.
Q Who married you? A Peter Meigs.
Q Does she claim to be a Cherokee Freedman? A Yes, sir.
Q Freed woman? A Yes sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes sir.
Q By what name? A In 1896?
Q Yes sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big Creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.
Q But you came from Ft. Scott down to Vinita? A Yes sir.
Q Did you bring your wife with you? A Yes sir, we was up there working, I hadn't moved up there.
Q But your wife was with you? A Yes sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named W.H.Robinson.
Q He was living there was he? A Yes sir.
Q Colored man? A No sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?

A 1889 I believe it was '88 or 9.
Q I say how long had you been up there when you came down to Vinita?A I don't know just how long.
Q Well about how long? A I can't tell you.
Q come backbefore the Wallace taken the census.
Q You don't know how long you had beenup there?A Not exactly.
Q About how many years?A I tell you I don't know.
Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
Q Yes; A Why certainly not.
Q Then you deny positively that you were there more than two years? A Yes sir, I do, at a time.
Q Where was your oldest child, Jesse, born?A Jesse was born in Vinita.
Q Have you been living in Vinita since 1889, A Yes sir.
Q All the time? A Except when I was out working.
Q Where were you out working?A I were out at Lawrence, working and I was at Paola and I was at Weir City, Kansas, working.
Q Where else were you working?A I worked there at Chetopa.
Q Working in Ft. Scott?A Since '89?
Q Yes? A I don't think I have.
Q How muchof this time since 1889 have you actually resided in Vinita up there personally present?A I have been there pretty regular ever since 1892.
Q How many years?A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes sir, except when I was working out I tell you.
Q I want to know how much time you have been working out? A I could not tell you that, because I don't know, but altogether ~~thme~~ would n't make a year.
Q Where was your wife at that time, in Vinita all this time?A She was in Vinita.
Q She never went out with you when you worked out? A Not since 1889 she hasn't.
Q Where was this next child, Willard, born?A In Vinita.
Q Where was the next, Clifford? A In Vinita.
Q Where was Maucelia born? A Winita.
Q All four of these childrenwere born in Vinita were they? A Yessir.
Q Who did you come down to the Cherokee Nation with after the war? A Andy Daugherty.
Q Didn'tAndy Daugherty have a place down there when youcame? A Yes sir.
Q He had a house up?A Yes sir.
Q He had a patchof corn in?A Had a little corn in.
Q When you come?A Yes sir.
Q Who else had a house down there when you come?A I think uncle Mike Whitmire had a house and Rheuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Duffin?A I think so, I am not certain.
Q Was uncle Peter ~~kirkwg~~Ward living down there then?A I fon't know.
Q Was Reuben and Tuck Sanders?A Yes, sir.
Q Did they have small crops of corn too?A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn? A A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did.
Q What time did you come there? A In August.
Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to?A I think I went to Lawrence I believe.
Q Where was your mother at that time?A When I left I left her on Big Creek, at Andy Daugherty's.

Q She came down with you did she?A When she first came from Kansas you mean? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down to Ft. Scott?A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers?A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there?A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was withher up there, in '64 and 5.
Q After that time where you with her? A I was with her at the Daugherty's when she was there.
Q Were you with your mother in '66 in Kansas?A I wouldsee her up the there when I was working up there and she were working up there.
Q Did you see her in Ft. Scott, Kansas?A Yes sir.
Q Whatyearwas that? A I can't tell you.
Q Did you see her in '66? A We come downhere in '66.
Q Did you see her in Ft. Scott Kansas in '67?A I think she remained here all that time.
Q Did you see her in Ft. Scott, Kansas in the year '67?A No sir.
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes sir; she was there working in '68
Q And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh? A I think he was living up there.
Q You never made a home in Kansas? A No sir.
Q Never had one?A Yes sir, I built one about two years ago.
Q You never had one on Big Creek?A No sir, I come there with my uncle and never made a home until 2 years ago, I built a home two years ago.
Q You never had a separate house there on Big Creek?A No sir.
Q I want to know where you lived from '66 to '89? A Somtimes I lived on Big Creek, in 1885 I lived on Andy Daugherty's, and went to Vinita.
Q Where was your mother then?A Shewas at Daugherty's.
Q How muchof this time has she lived at Daugherty's? I don't know.
Q You know Jim Foreman?A I do.
Q Did you ever know him in Ft. Scott?A I did.
Q Did you know him there in '68?A I knew him there in '64 and '5.
Q Did you know him Simon McKinsey?A I did.
Q Did you know him in Ft. Scott, Kansas?A Yes, sir.
Q When did you know him?A '64 and '5.
Q Did you know himabout '66? A I saw him after '66.
Q Did you ever see him about '66?A I saw William Foreman, I don't think I saw simon.
Q Whenwas the last time you saw William Foreman in Ft. Scott, Kansas?A I don't remember.
Q Did you see him during the year '66, '68, '67 or '9? A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68?A No sir.
Q Were you in Ft. Scott during either of these four years? A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh?A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.

Q When? A Married in 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67?A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No sir.
Q Your mother there never kept house here separate?A No sir.

By Com'r Needles:
Q Is Jane your first wife? A Yes sir.
Q Has she beenmarried before she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names?A Laura and Ella Beason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes sir.
Q Is that where you married her? A Yes sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your familt with you while working in Kansas?
A My family was with me up there in Ft. Scott, yes, sir.
Q You worked in Ft.Scott and your family was with you? A Yes sir.
Q How long was that?A I can't tell youexactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that?
A No sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes sir; except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How londgdid she remain at those places?A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita?A Yes sir.
Q When she went up with these children did she abandon the house?
A I was at the house.
Q Did she take household furniture with her? A Didn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes sir.
Q And were you there?A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes sir.
Q Is Dinah living? A No sir, she is dead.
Q Andrew living? A He is dead.

By Mr.Smith.
Q Yousay it was in 1889 that youwent to Ft. Scott, Kansas, after you were married? A Yes sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No sir.
Q Whathad been your home up to the time you were married? A
Mr. Hastings:
I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
MR. SMITH: Thatis immaterial.
Q Where did you stay, where did you live up to the time you were married?A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q Whatis your occupation, you spoke of working?A I am a cook, and I am a painter.
Q Nowafter you were married and after 1889 you were asked when you first built a home, do you mean by that that that you now own your own home, or what do you man?A Yes sir, I ownny own homw now.
Q Had you any home place to hep house to li ve in before you built that two years ago? A I was renting a house to live in.

Q Where? A Vinita.
Q What kind of work did your mother do? A She was washing out and some times cooking.
Q Did you have any sisters? A Yes sir.
Q What were your sister's names? A Sallie and Bettie.
Q Whatis Bettie's name now?A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief ~~aff~~ occupation? A She worked around hotels and such work as that. Hired out.
Q Do you know of your own personal knowledge when she came back? to the Cherokee Nation, or not?A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarahcame badk? A No, sir.
Q You know whether they were slaves before thewar? A Yes, sir.
Q Who did they belong to?A Bill and Nellie Holt, same man I did.

By Com'r Needles:
Q You say you were living on Big Creek?A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer ?A No sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working, and come back there for my home.
Q How long did you live there? A I pulled out from there in '85.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer? A Yes sir.
Q You didn't pretend to farm yourself?A No, sir.

By Mr. Hastings:
Q How many brothers did you have?A Had four, ~~three~~ three besides myself.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all ofus, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself?A Yes sir.
Q You never lived in separate homes? A No sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Sine you came there? A Sine I have been in Vinita, yes sir.
Q Hadn't she ever been married before?A No sir, not to my knowing.
Q Where did she come from when che some to Vinita?A I don't know, she wasn't with ~~me~~ us; she had been working down about Gibson, and places around there.
Q Your sister older than you?A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there?A I don't know.
Q Since or before you moved there?A She has moved there sine I moved there.
Q Where did she come from?A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No sir.
Q She didn't live with you there in '67 8 and 9?A No sir, she never did live with me.
Q You know where she married? A No sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raisedman or not, I couldn't tell anything about that.

By Com'r Needles:
Q Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.

Q And her mother's name was Dinah?A Yes sir.
Q Were they slaves? A Yes sir, both of them.
Q Who did they belong to?A Anderson Johnson belonged to a Cherokee named Ben johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas?A Yes sir.
Q Slave of an Arkansas man? A Yes sir.
Q Her father was owned by a Cherokee?A Yes sir.
Q And his wifewas owned by a citizen of the state of Arkansas?
A Yes sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes sir.
Q When did they return?A They moved to Big Creek in '66.
Q How do you know?A I was there, I lived close to them.
Q Was Jane bornafter thator before?A She wasborn after they moved there.
Q I forget whether you stated your wife's father and mother were both living or not? A They are both dead.
Q Your wife Jane has enliving in the Cherokee Nation ever since '66? A Yes sir, except when she was just out visiting.
Q Except when shewas out with you? A Yes sir.
Q You don't know whether she was married before you married her or not? A No sir.
Q You know she had these two children? A Yes sir.
Q Are these children living with you now?A Yes sir.

By Attorney Smith:
Q You know who was the reputed father of these two children?
A Man said to be named Oscar Benson.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Needles: Colored man? A Yes sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No sir, I just married by a preacher.
Q Who married you? A Peter Meigs/
Q Is he living or dead? A He is dead.
Q Is there anyone around the camps who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.
Q There is no one here that saw you married? A No sir.

By Mr. Hastings:
Q How long had you known your wife before you married her? A I knew her from a child.
Q You know whether she lived with this man as husband and wife by whom she had these two children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him for four or five years.
Q She live with him from the time she gave birth to the first one until she gve birth to the last one? A Yes sir.
Q Lived in a house together with him? A Yes sir.
Q You don't know whether they were married or not? A No sir, I don't.
Q You lived at Webbers Falls when the war come up? A Yes sir.
Q You went out north?A Yes sir.
Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken us out.
Q Were you living with Will and Nellie Holt at Webbers Falls?
Q Yes sir.
Q Did they have children?A Yes sir.
Q What were their names? A Tempy Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers Falls?A I lived about a mile

and a half on the other side of Webbers Falls.

Applicant's mother re-called, and further examined,
By Mr. Hastings:

Q Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wife? A Yes sir, he has got a wife.
Q What is her name aunty? A Named Sarah Holt.
Q Got some children? A Got one.
Q How old is it? A I don't know.
Q About how old is it a child grown? A Yes sir, it is grown.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
Q You were present when he married? A No sir, I think he married in Oswego.
Q You wasn't there? A No sir.
Q Now Aunty, you came from Ft. Scott down to Vinita didn't you?
A Yes sir, when I did come down there.
Q Now aunty, when did you come down there, how many years ago?
A My brother went up there and brought me down and three boys; went to get provisions, everything was scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
Q And you come did you? A Yes sir, I come in his wagon.
Q Did he have a house here at that time? A Yes sir.
Q He had a little field? A Yes sir, small field.
Q What was your brother's name? A Andy Daugherty.
Q There was other people living around in the neighborhood were there? A Yes sir.
Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I don't remember.

By Com'r Needles:
Q Warm weather or cold? A I don't know whether it was warm or cold.
Q By MR. Hastings: How long had your brother been living down here when you came? A I don't know, he was living down here and had his house built when he brought me down.
Q Been living here a year or two? A May be longer and maybe not so long, I don't know.
Q How long did you stay down here with your brother at that time?
A When he brought me down?
Q Yes? A I stayed a year or two, I don't know.
Q Then you went back to Ft. Scott did you? A Yes sir, I went back to Ft. Scott.
Q What were you doing up at Ft. Scott? A Woking around, trying to make an honest living.
Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
Q Before the war? A After the war.
Q Did you know James Foreman? A No sir.
Q How long was it until you come down to visit your brother again did you ever see him any more? A After I went up there?
A Yes? A Yes sir.
Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
Q You never had any home down here? A No, I made my home with him.
Q Whenever you came? A Yes sir.
Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? A (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.

Q Never had no children by any other woman?A Not thx as I knw of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy?A No sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?A I can't tell you.
Q You spend pretty near all your days haven't you aunty, up to the Wallace court?A No sir.
Q Did you work any down here before the Wallace court?A No sir, I haven't worked before the Wallace court, I have never been able, broke up with rheumatism.
Q About all the work you donw was in Kansas?A I couldn't get no work ~~in~~ ~~th~~ here to do.
Q I say about all the work you done was in Kansas?A No, not all that I done.
Q Whodid you work for down here before the Wallace court? A Oh I went around waitingon women, and come home and set down and laid down; when I was called I would go.

By Mr. Smith:
Q How old are you, aunt Esther?A About 85, that's the age they give me, I don't know my age; I was 16 years old the time the stars fell and the commissioners have been trying to get my age from that, I don't know.
Com'r Needles: That was in '32 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism?A I said I have rheumatism so I can't do very much.
Q You live with one of your sons?A I live with Tecumseh.
Q Were you a slave before the war?A Yes sir.
Q Who did you belong to? A William Holts and Nellie Holts.
Q Were they Cherokee Indians?A Yes sir.
Q Where did they live? A Webbers Falls.
Q How many children had you at the time the war commenced, besides Joshua?A Sallie and Betsy and Mosie and Joshua.
Q And who do you live ~~xxx~~ with now?A I live with Tecumseh.
Q Was Tecumseh born before the war or after?A Before the war.
Q Is Bettie married now? A Yes sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie named? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes sir.
Q Were these children whose names you give born slaves?A Yes sir.
Q Who did they belong to?A William Holts.
Q Same person you belonged to? A Yes sir.
Q What was it you said about your brother coming after you up in Kansas, and about a treaty? A He went up there to buy provisions, everything in this nation was scarce at that time; he said he thought they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family?A Joshua, Tecumseh and Jimmie.
Q And you? A Yes sir, brought four.

By Mr. Hastings:
Q Bring your daughter Sallie? A No sir, she was down here long before I was.
Q She lives in Vinita doesn't she?A She lives in Vinita now, she did not live in Vinita at that time, she was in Ft. Gibson and about Big Creek somewhere.

Applicant, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Esther Holt your mother?A Yes sir.
Q She is the witness that's on the stand here now?A Yes sir.

Q Was she a slave?A Yes sir.
Q Who did she belong to?A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes sir.
Q She went to Kansas didn't she?A Yes sir.
Q When did she return? A '66.
Q Returned with you?A Yes sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big Creek awhile, and she has been living in Vinita.
Q She never got back to Kansas afterwards?A Yes sir.
Q How long did she remain here?A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big Creek again.
Q Did she have a home in this nation? A No sir.
Q Who was she living with?A With her brother up on Big Creek except when she was working out.
Q Was she married then? A No sir.
Q Her husband wasn't living then? A No sir.

By Mr. Hastings:
Q How long has Tecumseh been living in Vinita?A I don't know how long he has been living in Vinita.
Q Well, your best judgment, has he lived there five years?A Yes sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)
Q To Texas?A Yes sir, I am thinking he had been working there, I am not certain.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed)M.D.Green,
Subscribed and sworn to before me this June 18th, 1901.
(signed)T. B. Needles,
Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J.O.ROSSON.

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JOSHUA HOLT, ET AL. Application continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:
Messrs. Mellette & Smith, for applicants.
Mr. W.W.Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissionr T. B. Needles, testified as follows: BY MR. SMITH OF counsel for applicants:

Q State your name? A Moses Riley.
Q Where do you live?A Chelsea.
Q Do you know this applicant, Joshua Holt?A Yes, sir.
Q Did you know his mother?A Not very well acquainted with his mother, I knew him.
Q How long have you known him?A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war?A First time I saw him I saw him on his uncle's place on Big Creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.

Q Who was his uncle? A Andy Daugherty.
Q Well give us your best idea, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't know him before that? A No sir.
Q You don't know whom he belonged to? A Nosir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows. BY MR. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post-office? A vinita.
Q Do you know this applicant, Joshua Holt? A Yes sir, I know him.
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I knew him just a little before the war come up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes sir.
Q Do you know what became of Joshua during thewar? A No sir, I don't know nothing about him.
Q When did you first see him ~~after~~ back in the Cherokee Nation after the war? A Well, sir, I just can't remember what time it was I saw him back.
Q Wel, where did you see him when you saw him back? A The first time I saw him after the war was up here on Verdigris.
Q At what place? A Goose Neck Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A Nosir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No sir, I don,t.
Q Did you know hismother, Esther Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1866? A No sir, I don,t.

BY MR. HASTINGS:
Q Where did you live before the war, Columbus? A Right across Grand river in Saline District.
Q Where did Joshua Holt and hismother live? A In Illinois District.
Q How far was that from you? A When I got acquainted with them I was working at John Daniels in Canadian District.
Q How far were you working from him? A Just across the river there at John Daniels at the old place.
Q You were working there whenthe war came up? A Yes, sir.
Q And you knew these people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.

BY COM'R NEEDLES:
Q Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can'tsay, they were living together when I saw him.
Q Do you know how many children they had? A No sir, I don't know how manychildren theyhad at all.
Q Where was that? A It was on Big Creek when I got acquainted with him.

Q After the war?A Sine the war.
Q You never knew them at all before the war?A She was living there withher father.
Q Was she married?A No sir.
Q Living withher father Anderson?A Yes sir.
Q Do you know whether Anderson went out of the Nation during the war?A I wasn't cxx acquainted with him.
Q Don't know where he went and whenhe came back?A No sir.

BY MR. HASTINGS:
Q Did you ever know Joshua Holt in Fort Scott?A No, sir.
Q Did you know hismother, Esther?A No sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita?A I aintable to say, 12 or 13 years anyway.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there?A They come there together.
Q They come there about the Wallace Court, before the Wallace Court and been there ever since; Joshua lived there before that time.
Q The Wallace Court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the applicant, re-called; BY COM'R NEEDLES:

Q Joshua, did Adersonjohnson, your father-in-law, go out of the Cherokee Nation during the war?A He was a soldier.
Q In what army? A In the 44th United States Infantry Colored, 48th I think.
Q Where was he discharged do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation?A '66.
Q How do you know that? A I saw him on Big Creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him?A She was born on Big Creek
Q You saw him there in '66?A Yes, sir.
Q Was he there when you come or you come before him?A He was there when I come.

COM'R NEEDLES: Joshua Holt applies for theenrollment of himself, his wife, Jane, his two step-children, Laura and Ball Beason, and his own four children, Jessie, Willard, Clifford, and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, upon examination neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas and that Anderson Johnson was a slave of a Cherokee citizen, He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah, being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order-

to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two childrens', Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.

(Signed) T.B.Needles,
Commissioner.

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Supplemental Testimony in C.F.D.644.

Joshua Holt, et al.
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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29th, 1901.

Mellette & Smith, attorneys for applicants present:

W.W.Hastings, present for the Cherokee Nation:

DANIEL SANDERS, being sworn by Commissioner T.B.Needles, testified as follows:

By Mr. Smith:

Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes sir.
Q Do you know Dinah Johnson? A Yes sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson johnson? A In the Army.
Q Where did you first know his wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhousen family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.

Q Now is that Mary or Jane?A Jane, yes it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Joshua Holt?A Yes sir.
Q Do you know where Jane was born?A In the Cherokee Nation.
Q Close to where you live? A Yes sir, 6 or 7 miles.
Q Don't you know where Mary was born?A Must have been there too.
Q Do you know any of the other girls?A I think there was three girls in all.
Q Do you know the name of the other one? A I dont know.
Q Would you know it if you heard it?A Yes sir.
Q Was it Ruth? A Yes sir.
Q Where were the se children born and raised?A On Big Creek mostly.
Q How long has Jane been married to Joshua Holt?A Ten years or longer.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Do you know when Anderson Johnson came back to the Cherokee Nation
A Yes sir in '66 with us.
Q Are they living ordead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that?A I think it was in '78.
Q How long did Anderson and Dinahlive together there?A Until he died.
Q From what time?A I don't know just exactly when he married,must have been in the fall of '65.
Q And from that time until he was killed they lived together?
A Yes sir.
Q Did they keep house up there?A Yes sir.
Q Were they received in your community as man and wife? A Yes sir I never knowed any difference.
Q What time in the year was it that Anderson Johnson came back here
A Long in August '66.
Q What part of the Nation did he come to? A Big Creek.
Q Are you a recognized citizen of the Cherokee Nation?A Yes sir.
Q On the roll of 1880?A Yes sir.

By Mr. Hastings:
Q Did you know Johnson's wife before thewar?A No sir.
Q She was a stateraised woman?A Yes sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q Whatwas his name?A Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No sir.
Q How old was she when they mrried?A Shewasn't very old.
Q Were they married in Kansas?A I think so.
Q Did he bring his wife with him when he came with you folks?A Not the first time.
Q What time was it thathe came down with you, what time of the year?
A Long in 66, long in the month of August.
Q Was that when some of you men folks come in advance?A Yes sir.
Q Did you have your family with you? A No sir.
Q They all went back afterwards and brought their families? A Yes sir.
Q When did Anderson Johnson bring his wife there?A I don't know just exactly when it was.
Q Cant you be positive as to whether that oldest child was born in the Cherokee Nation or in Kansas?A In the Cherokee Nation I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A 7 miles, between 6 and 7 miles close to Albert Morris.

By Smith:
Q What time didAnderson Johnson bring his wife down there? A I

I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment?A Not long after he came himself.
Q As much as six months?A Cant have been any longer.

By Hastings:
Q This woman has had some children born to her since her first husband was killed?A I think so, one.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years?A Yes sir I guess so.
Q He is about grown now?A I haven't seen him for quite a while.
Q Don't know hisname? A No sir.

RUBEN SANDERS CALLED AND SWORN AS A WITNESS FOR THE APPLICANT:

By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live?A On Big Creek.
Q Are you a citizen of the Cherkee Nation?A Iam.
Q On the roll of 1880?A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes sir.
Q Do you know what relation they were to each other?A Man and wife.
Q When did you get acquainted with Anderson Johns n?A When he come out of the army.
Q When did he come to the Cherokee Nation after the war?A With us in our wagon.
Q When? A Long in the summer of '66.
Q Was he married then? A He was not.
Q When did you first become acquainted with his wife?A In Kansas.
Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live?A On Big Creek.
Q How far did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had severd
Q Any girls?A Yes sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of thse you remember?A Mary, I don't know mush about the girls.
Q Do you know if any of their children are married? A One is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together?A From the time they married until he was killed, I don't know exactly the number of years.
Q Howlong since hewas killed?A I think about 16 years.
Q Do you know when theymarried, Anderson and Dinah? A I don't know theexact date, it was somewhere about 5 or 6 years after he came here
Q Did you see them married?A No sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there?A As man and wife.
Q Do you know when these children of theirs were born?A No sir.
Q Were they born while they were living together as man and wife?
A Yes sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes sir.
Q Do you remember which one of the girls Josh Holt married? A No sir I don't believe I remember her name.
Q Do you know whether she is the oldest child or not? A No sir, I

don't.
Q Do you know where she was born?A No sir notexactly, but to my best judgment they was all born in the Cherokee Nation on Big Creek.

By Hastings:
Q With whom did Anderson Johnson first live whenhe came down here?
A Where I live.
Q You all first came down in August and then went back? A Yes sir.
Q You say Anderson wasn't married then?A No sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?A Yessir.
Q He afterwards went up there and married her? A Yes sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes sir.
Q Where did she live?A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?A Yes sir.

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Chas.vonWeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas.vonWeise,

Subscribed and sworn to before me this the 5th of July, 1901.

(signed)T.B.Needles,
Commissioner.

* * * * * * *

File with Dennis Hicks, C.F.D355.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 15th, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T.B. Needles, testified as follows:

Q Whatis your name? A Katie Ridge.
Q How old are you? A I guess I am 84, I was 16 when the stars fell.
Q Whatis your post-office address?A Spavinaw.
Q Is that in Delaware district?A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman?A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman?A I can't hear good.
Q Is your name on the roll of 1880?A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself?A No one sir.
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.
Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian?A Yes sir.
Q Did he live here in the Cherokee Nation?A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nationduring thewar? A Yes sir.
Q Where to?A Springfield, Missouri.
Q When did you come back to the Cherokee Nation? A In 1866.
Q How long did you stay there?A Three years.
Q Have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come ~~here in no there was nothing~~

back we staid a little while and then went to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you go from Springfield to Joplin or did you come here first?
A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since?A Yes sir.
Q Where did Hiram Ridge live?A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas?A Yes sir.
By L. B. Bell, Cherokee representative:
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; whenshe went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I don't know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge.
Q Did you know old Peter?A Yes sir he was my brother in law.
Q Did you know Dr . Polston?A Yes sir.
Q Where did he live?A On Honey Creek.
Q Did you live withhim? A Not al together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out?A Well I was staying down to polstons then and then back to Fayetteville, Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville?
A My Mistress lives there away after they killed John Ridge, she went from Honey Creek on to near Bentonville then.
Q How long did you live on that farm?A I dont know.
Q When did Polston live on that farm?A I don't know exactly.
Q How long had he been liwing there when the war broke out? A I don't remember.
Q Seve ral years?A I don't know.
Q You don't know nothing about it? A I don't know of him all the time .
Q Herman Ridge lived in Washington County Arkansas didn't he?
A No sir.
Q Well tell me where he lived then?A In Fayetteville.
Q That is in Washington county? A I didn't know.
Q He was Mrs. Ridge's son?A Yes, sir.
Q He lived up there when she moved there?A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband Henry?A He is dead, he died in small pox time .
By the Commission-
Q Where did your master die when hewas killed? A Somwhere in the Territory- he was in theSouthern army.
Q Was he married or single? A Single .
Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of theapplicant :
Q Whatis your name? A Simon Lynch.
Q How old are you? A 71.
Q Whatis your post-office address? A Spaviaw.
Q Are you a recognized Freedmanof the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880?A Yes sir.
Q Do you know Katie Ridge? A Yessir.
Q How long have you known her?A I don't know how long it has

been, I knew her before the war.
Q Who did she belong to?A Mr. Ridge.
Q Was he a Cherokee citizen?A Yes sir.
Q Was he an Indian?A Yes, sir.
Q Where did he lte?A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war?
A I don't know.
Q Where did you first see her after the war?A On Honey Creek.
Q When was that? A In '66.
Q Has she beenliving there ever since?A No sir, she left there once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she beenliving here for the last 20 years?A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed?A I don't know.
Q Do you know of him ever living outside of the Cherokee Nation?
A I think he did.
Q Was he living in Arkansas?A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he ~~lockong~~ live with in Arkansas, his father and mother?
A I don't know.
By L. B. Bell:
Q What time of the year was it you say the applicant on Honey Creek in '66? A The summer of '66, I don't know just what time, but it was in the summer time.
Q What was you doing there? A I went to Southwest City.
Q You saw this woman there?A At the old place. Dr. Somebody owned it then.
Q Was he there? A No sir.
Q How far is that from Southwest City? A Taint very far, I dont know exactly.
Q Is it half a mile?A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, beenthere lots of times before.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the schop?A On Baties Prairie.
Q When did you come here first after thewar?A The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here?A In February.

APPLICANT recalled: Examined by Commissioner Needles:
Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No.1363, Katie Ridge, Cooweescoowee District.

By Com'r Needles: Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880, and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrives at a conclusion in her case she will be notified by mail.

Chas.vonWeise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in theabove cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(signed)Chas.vonWeise,
Subscribed and sworn to before me this the 18th of May, 1901, at Vinita, I.T.
(signed)T.B.Needles, Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16,1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes,sir.

Q How old are you?A About 64.

Q What is your post-office address?A Vinita.

Q Are you a recognized citizen of the Cherokee Nation?A Yes, sir.

Q You know Katie Ridge? A I didn't know her when I first saw her, when I first saw her they were up there on Honey Creek and someone said that was the Ridges.

Q What year was that?A Thatwas along in the fall of '66, I think itwas.

Q You saw her in the fall of1866 then?A Yes, sir.

Q Have you known her since that time?A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.

Q Do you know the Katie Ridge, the applicant here, and thesame woman you saw on Honey Creek in the fall of 1866?A Yes sir.

Q Do you know whether shewas a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.

Q Simon who?A Simon Lynch.

Q Did you know them before thewar?A No sir, he knew them.

By L.B.Bell: Cherokee attorney: Where were you going in '66?

A Going up to southwest city.

Q How far is Southwest City from where they were living?A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.

Q About what time of the year was it?A It was along in the fall like.

Q Can you recollect then how far it was from where they lived to Southwest?A No, sir, I expect Simon knows, hewas acquainted up there and I wasn't.

Q You went on there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri? A It was in Missouri orArkansas, I don't know which, it was across the line.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete tra script of his stenographic notes thereof.

(signed) Bruce C. Jones,

Sworn to and subscribed before me this the 16th day of May, 1901.

Signed, C.R.Breckinridge,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the above is a true and correct copy of the originals.

(signed)Bruce C. Jones,

Sworn to and subscribed before me this the 27th of July, 1901.

(signed)M.D.Green,
Notary Public.

(seal)

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M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copies and that same are true and complete copies of the originals.

M D Green

Subscribed and sworn to before me this August 9th, 1901.

Commissioner.

F.D. 358

DEPARTMENT OF THE INTERIOR
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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 20,1901.

In the matter of the application of Eliza Hawkins for the enrollment of herself and one child as Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:
Attorney Smith, of Mellette & Smith, for applicants;
Caleb Starr, for the Cherokee Nation.

Q Give me your full name? A Eliza Hawkins.
Q That's your present name? A Yes sir.
Q How old are you? A 22
Q What is your post-office? A Vinita.
Q In what district do you live? A Delaware.
Q ~~Xxx~~ Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Who do you want to apply for, anybody besides yourself? A Baby.
Q Just your baby? A Yes sir.
Q Do you want to apply for your husband? A No sir.
Q He is not a Cherokee Freedman? A No sir.
Q Just yourself and one child? A Yes sir.
Q How long have you lived in the Cherokee nation? A All my life.
Q Give me the name of your father? A Dennis Hicks.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Mary Hicks.
Q Is she alive? A No sir.
Q How long has she been dead? A Five years.
Q Does your father claim to be a Cherokee Freedman? A No sir.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q How old was your mother when she died? A 41.
Q To whom did she belong before the war? A They said she belonged to John Ridge.
Q Did she belong to John Ridge at the time ~~xxx~~ the war broke out?
A I don't know.
Q Is that your understanding? A I don't know anything about it, I never heard them say.
Q Give me the name of your child? A Tyndle E. Hawkins.
Q How old is that child? A 2 months old.
Q When were you married? A 1893.
Q Have you a certificate of marriage? A Yes sir.
Q Let me have it? A (Produces papers)
Q To whom were you married? A Arthur Hawkins.

Com'r: The applicant presents a marriage license issued by the Clerk of the United States court for the Northern District of the Indian Territory October 19th, 1898, authorising marriage between herself and her husband, as stated by her; the certificate shows they were united in marriage in accordance with said license on same date as the license; this is filed herewith.

1880 authenticated roll of citizens of the Cherokee nation examined for applicant and not found;
1896 census roll of citizens of the Cherokee nation examined for applicant and not found;

Q Did you draw Strip money? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee nation examined for applicant and identified on page 120 #2975 Eliza Hicks, Delaware District;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows;
page 118 #2489 Eliza Hicks, Cooweescoowee District.

Eliza Hawkins et al 2

DENNIS HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dennis Hick.
Q How old are you? A I am 52 years old.
Q What is your post-office? A Vinita.
Q Are you father of the applicant here, Eliza Hawkins? A Yes sir.
Q Give me the name of her mother? A Mary Hicks.
Q She is dead now, isn't she? A Yes sir.
Q You made application for yourself and members of your family a day or so ago? A Yes sir.
Q Did you include in that application any full brothers or sisters of this woman? A Yes sir.
Q Who? A Leroy, Dennis, Delano, Mabel and Elmer.
Q They have the same mother as this woman? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself and one child; she makes no application forher husband, to whom she was recently married, and whom, she states, is a non-citizen; she is identified on the Kerns-Clifton roll and on the Wallace roll, as aCherokee Freedman; she is 22 years of age, and is not identified on the 1880 roll or on the census roll of 1896; her change of name arising from marriage, is established by the marriage license and certificate filed herewith which shows that she was lawfully married to her husband in 1898; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; and for further evidence in this case reference is made to Cherokee Freedman Doubtful case 355, the same being the case of her father, Dennis Hicks, to identify her as his child, and it sets forth in full the status of her mother, Mary Hicks, through whom alone the applicant claims. When the applicant files with the Commission a certificate of the birth of her infant child, Tyndle, E. Hawkins, this child will also be listed for enrollment on a doubtful card with its mother as a Cherokee Freedman; the final decision of the Commission will be made known to the applicant at her post-office address.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 21, 1901.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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[illegible] of the Choctaw Nation.

[illegible] Cherokee Nation.

[illegible] Cherokee Nation.

[illegible] Cherokee

To be filed in CED-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. SMITH:
Q Where do you live? A I live in Saline District, Cherokee Nation
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
Q Yes, sir, she did.
Q What sister did you have? A Phoeba and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did marry marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Norman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q When did you come back to the Cherokee Nation first after the war? A Come back in '66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, what members of your father's and mother's were with you; you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoeba and Mary and a brother, Jesse.
Q Is Jesse alive A No sir, he is not alive.

Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3865, Cornelius Ridge, Cooweescoowee District.
Page 157, #3880, Pearl Ridge, Cooweescoowee District.
Page 157, #3881, Jesse Ridge, Cooweescoowee District.
Page 157 #3882, Myrtle Ridge, Cooweescoowee District.

The Wallace Rollof Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 153, #3188, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Nowata? A Yes, sir.

BY MR. HASTINGS:
Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother ~~in~~ at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect thoughit is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know. I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your Mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's Prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me

like there was an orchard; might have been, I won't be sure.
Q Who did you say your Master was? A Herman Ridge.
Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.
Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.
Q Well, where was he living just before he joined the army?
Q I don't know sir, I could not tell you?
Q Well now, you came back here did you with your father and mother?
A Yes, sir.
Q Now what was the first point you came to? A In the Nation?
Q Yes. A On Honey Creek.
Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old home? A Yes, sir.
Q You come right back to the old home didn't you? A No, sir, not right exactly.
Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q That was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q Whatis your oldestchild's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No, sir; he is younger
Q And where was Ida born? A Ida was born on Grand river.
Q Near what place? A On Lynch's prairie.
Q How long after the war was it until you come down to Lynch's prairie? A How long after the war you ask me?
Q That is the question. A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sira
Q And you lived there you say about two or three months? A Yes sir.
Q Now, what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.
Q Did you go to the old place while you were there? A Polston place; yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure; let me think over that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there? A No, sir, I don't remember any one.
Q Where did youget anything to eat? A Brought provisions with us.
Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Q You never worked for anybody? A N ver done a day's work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewheres along about there.
Q Were you up about that town there while you were down there on Honey Creek? A No, sir.
Q You didn't go to any town? A No, sir; what do you mean, Southwest City
Q Yes, sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.
Q None except polston? A No, sir, that I can remember now.
Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know c .
Q Was there any field connected with your house you lived in?
A No, sir.
Q What did you get water out of, creek, spring or well?
A Spring.
Q What direction was the spring from the house? A Well, sir, I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the home place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife ~~#~~ your sister? A Yes, sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.
Q Did she go this round with you? A Yes, sir.
Q Your mother was with you? A Yes, sir.
Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes, sir, I think she was.
Q Well, now in all these round you went your father and mother and all the members of your family would go with them? A Yes, sir.

BY COM'R MEEDLES:
Q Well, you apply for your wife as an intermarried citizen do you?
A Yes sir.
Q When were you married to her? A I don't know sir, about 66? I guess
Q Have you been living withher continuously since that time?
A Ye , sir.
Q Living with her now? A Yes, sir.
Q Where were you married? A Married in Missouri.
Q She is a state woman? A Yes, sir.
Q Where were you living in 1867? A In Missouri.
Q Brought your wife back with you when you come? A Yes, sir.

BY MR. HASTINGS:
Q Joplin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:
Q [illegible] time. Cornelius, did you leave the Cherokee Nation after you came here in 1866; how long did you stay here in 1866? A We came in [illegible] and left after Christmas.

Cornelius Ridge et al 5.

Q Were you a marriedor unmarried man at the time you came here in 1867? A Unmarried.
Q Why did you leave the Nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go to? A Went to Joplin, Missouri
Q How long did you stay there? A About three or four years, I presume.
Q And then where did you go to? A Came on Grand river.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since. A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came? A Yes, sir.

BY MR. HASTINGS:
Q What time did you say you came back? A From Missouri?
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

COMR NEEDLES:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedmen card D #355, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this June 17th, 1901.

(signed)T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green

Subscribed and sworn to before me this September 5th, 1901.

Commissioner.

Dear Sir:

Yours of the 13th received and duly noted. Please find enclosed a check for $20 and send me a receipt for the same.

Yours truly,

Geo. D. Green

Geo. D. Green, Jr.

Geo. D. Green, Jr.

Geo. D. Green, Jr.

File with C.F. D-358, Eliza Hawkins.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 9, 1901.

In the matter of the application of Kate Ridge for enrollment as Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. L.B. Bell, of attorneys for Cherokee Nation,
and Mr. W.W. Hastings, of attorneys for Cherokee Nation.

W.H. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war begun? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q Now when did you return to the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Come to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war begun, or how come you to go on thatplace? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then-? A Until the fallof 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Katie Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with whatis known as the old Washbourn place at that time? A Yes sir.
Q Was there any Freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston re-occupy that place after you bought it from him or did he ever? A He went right on the place when we left it

in '68.
Q Where did he move from to that place? A He moved from Mayesville Arkansas.
Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.
Q How do you know anything about where Dr. Polston was in the early part of '66, or where he come from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knewof? A Not that I had any knowledge of.
Q But you moved away from that place in '68? A Yes sir.
BY MR. MELLETTE:
Q How old are you, Mr. Wood? A 48 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You were quite a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days? A Yes sir, I do.
Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.
Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.
Q What place are you talking about as the one that white colored people did not live on? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.
Q How many Polston places were there in that country? A Just the one.
Q How do you know? A I lived there.
Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.
Q Where did you go during the war? A I went to the Choctaw Nation.
Q When did you return? A In '65.
Q What time in '65? A Spring.
Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.
Q Do you know Herman or Hiram Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COM'R MEEDLES:
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your occupation? A I am farming and selling goods.
BY MR. BELL:
Q Now you said you returned in 1865, did you come to the Cherokee Nation in '66? A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas at Mike Blevins' place,
Q And then moved down into the Cherokee nation in '66? A Yes sir.

Katie Ridge etx (sup'l)3

MRS. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 9th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Eneous Ridge.

Q About when was that? A I married him in '38, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died beforeI went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yessir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. MELLETTE:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in58 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
Q How long did you live there? A A year and four months, that was as long as he lived.
Q That was up just about the beginning of the war? A Well I ~~left~~ lived there until '59. I left there in the fall of '59.
Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri,- I saw her husband.
Q Oh, you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to them.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

EXAMINATION.

Q What gentlemen your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.
Q Are you a citizen of the Cherokee Nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through, we are one of those that got behind. I am not a citizen of the nation at all.
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee Nation and Missouri.
Q Were you living 2 miles north of South west City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.F. Lawrence were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Strothers I think the post-office was handled.
Q Well the post-office was there in the store? A Yes sir.

Q What was the place called then? A Honey Creek.
Q How long did it retain that name of Honey Creek, or when did it change back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.
Q Was that in one or two or three years? A Well yes, three years perhaps, somewhere along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town was started a little.
MR. MELLETTE: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:
BY MR. BELL:
Q Give me your name, age and post-office? A My name is James M. Bell, aged 69, post-office Needmore, or Vinita, either one.
Q You are a citizen of the Cherokee nation are you? A Yes sir.
Q How long have you lived in this Cherokee nation? A Well with the exception if a few intervals I have been here since '39.
Q Well you have been here 40 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A His first child was not of sound mind, a girl, Rolen Ridge was the next, Herman, Eneous, Andrew, Susan Washbourn, Flora Polston, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards moved to Fayetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know?
A He was between 25 and 30; he was 25 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother where? A In Benton County, Arkansas.
Q When did he join the army? A He joined in '62.
Q Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a farm, location or home or habitation in the Cherokee Nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes sir.
Q By blood, friendship, social matters or what? [illegible]

standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. MELLETTE:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, , who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I knew nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. M. CHASTINE:

Q What is your name? A L.B.Bell, 62 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haversham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1843 when the whole world was flooded, I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q Now who lived there, occupied it? A Old Peter,-the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and runoff and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his that he had there, remained on the place 5 or 6 years, then it passed into the hands of Dr. Polston, who married Flora, the youngest girl of John Ridges family; they lived there until '61 probably lived there 3 or-

or 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the confederate Army, General Watie was a kinsman of his and he joined the ~~xx~~ regiment that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1868; his heirs own it yet.
BY MR. MELLETTE:
Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.
MR. MELLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:
BY MR. BELL:
Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.
BY MR. MELLETTE:
Q Did she return to the Cherokee Nation at any time ~~that~~ ~~xxx~~ there while you were there? A Notthat I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.
Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At~~xxxxxxxx~~ Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.
Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Yessir.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Che-

okee Nation? A Well I don't know; I know they were living there and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know what legal steps were taken by these people, Washbourns or Polatons to re-establish their citizenship? A No sir.

COMMISSIONER NEWLANDS: The testimony will be filed in Katie Ridge, Cherokee Freedman D 296, and D353 and D 586, and D 589 and D 300, D 360, D 361, D 362 and D 558.

(Copies of this testimony have also been made for C.F.D-876,D638,D647,D591,D584 and D636.--Stenog.)

L.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

L D Green

Subscribed and sworn to before me this November 12th,1901.

Commissioner.

818 358

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1 1902

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAIR for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Eliza Hawkins, D 388;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and swrn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

8558.

PROPERTY OF THE LIBRARY,
BUREAU OF THE FIVE CIVILIZED TRIBES.
RECEIVED
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COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Eliza Hawkins et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of May 20th, 190.

Mellette Brook

Attorney for Applicants.

Cherokee F. #D358.

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Hollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hickt, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Jola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherckee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. F 16.
LMB

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 13, 1905.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. S-222

Register

Cherokee Freedmen
D-29[illegible], et al.

Muskogee, Indian Territory, October 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-293, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby
Commissioner.

Incl. C-223

Cherokee Freedmen

D-358.

COPY.

Muskogee, Indian Territory, October 13, 1905.

Eliza Hawkins,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for the enrollment of yourself and minor child, Tyndle E. Hawkins, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

Incl. S-98
Register

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JFA
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

83807-91859-1905.
91821-91843-1905.
91492-101897-1905.

December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor chrildren, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elnora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John G. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend forhimself; by Mollie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delana, Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Welt and minor step-children, Laura and Ella Beeson and minor children, Jessie, Willard, Clifford, and Mamelia (Marcelia) Welt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Lidlia Johnson; by Eliza Hawkins for herself and her minor child, Tyndle M. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bumyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mable, Elmora, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lettie, Fannie, James, Ralph, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and her minor children, CharlesWesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and herminor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elmora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Bettie and Joseph Hicks; that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Millie McNair, deceased; that the said Riley, Maria, and Millie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lettie Johnson, and Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, nor the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from G. F. Fogle enclosing motions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

MMK
G

JNJr

DEPARTMENT OF THE INTERIOR, LLB

Washington.

D.C.29336.

I.T.D.17884-1905. July 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedman
D 358

Muskogee, Indian Territory, August 5, 1906.

Eliza Hawkins, et al,

Vinita, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your applications, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 983	Katie Davis.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Register.

Commissioner.

Cherokee Freedmen
D 295 et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedmen enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 295	Dennis Hicks, et al,
D 644	Jackson Holt, et al,
D 646	Sallie Miller,
D 664	Mary Johnson,
D 664	Ruth Vann, et al,
D 678	Frank Johnson, et al,
D 304	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 983	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 356	Dennis Hicks, et al,
D 648	Sallie Miller,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 983	Katie Davis;

that Louis T. Brown is the attorney in the following cases;

D 844	Mary Johnson,
D 846	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead;

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 844.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

N.A.

Encl. 6-1.

Commissioner.

Cherokee Freedman
D 295 et al. Muskogee, Indian Territory, August 6, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

The applicants in these cases and t have this day been advised of the Department of the consolidation of these cases, and noti before a date would be fixed for a hearing in

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Encl. M.A.4-1.

Commissioner.

Cherokee Freed.
D 358-362.

Muskogee, Indian Territory, November 28, 1906.

Starr & Patten,

Attorneys for James A. Hicks, et al.,

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of November 7, 1906, stating that your clients, James A. Hicks, and Eliza Hawkins, et al., claim the right to enrollment as Cherokee freedmen as descendants of Katie Ridge, whose case is set for hearing December 14, 1906, and asking that the cases of your clients be heard with that of Katie Ridge.

In reply you are advised that at the time the case of Katie Ridge is called for hearing your request to have the cases of James A. Hicks and Eliza Hawkins, et al., heard with it will receive due consideration.

Respectfully,

S.W. Commissioner.

Cherokee F.D.
358

COPY

Muskogee, Indian Territory, February 28, 1907.

Eliza Hawkins,

Vinita, Indian Territory,

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the FiveCivilized Tribes, dated February 28, 1907, rejecting among others, the application for the enrollment of yourself and daughter, as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Enc I-47
RPI
Register.

Cherokee N.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application fot the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Rnc I-37

RPI

Cherokee F.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissionerto the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Kno I-35 Commissioner.

RPI

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delena Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beason, Ella Beason, Jessie Holt, Willard Holt, Clifford Holt, Marcelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedman, together with the decision of the Commissioner, dated February 28, 1907, rejecting said application.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedmen, case No. D 536, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57606-04), and affirmed by the Department on October 22, 1904 (I.T.D.7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Enc I-36

RPI

(C O P Y) —Copy—

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
21941-1907

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elmera Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delsma Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Mauselia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of February 28, 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 22, 1904 (I.T.D. 7724-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. 3807.

Mr. Birby now reports that Laura Daniels was born since 1866 and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJB-KH

Cherokee F.
D-358

COPY

Muskogee, Indian Territory, March 15, 1907.

Elisa Hawkins,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, the application for the enrollment of yourself and child as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

JMH

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.K-5
JMK

Cherokee F.
D-298 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.N-6
JMK

(C O P Y)

D.C.13398-1907. J.P.Jr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.2072-1907. March 4, 1907.

L.R.S.

DENIED.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 26, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman." You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornaline Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmanship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc. and
2 to Ind. Of.

Heacock - Moore

C. 2/2 F. D. 338

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 20 1901

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 22 day of Dec 1898, at ..... M., and duly recorded in Book 5, Marriage Record, Page 311.

MUSCOGEE IND. TER.

WITNESS my hand and seal of said Court at Tahlequah, in said Territory, this 23 day of Dec A.D. 1898.

Jas A Winston Clerk.

By ..... Deputy.

FILED
DEC 22 1898
Jas. A. Winston
CLERK.

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

No. 723

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded *to Solemnize the Rite and publish the Banns of Matrimony between Mr.* Arthur Hawkins *of* Vinita *, in the Indian Territory, aged* 23 *years, and Miss* Eliza Hicks *, of* Vinita *in the Indian Territory, aged* 19 *years, according to law, and do you officially sign and return this License to the parties therein named.*

WITNESS my hand and official seal at ~~Tahlequah~~ Vinita*, Indian Territory, this* 19 *day of* October *, A.D. 189*8.

Jas A Winston
Clerk of the U.S. Court.

By J H Anderson *Deputy.*

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT. } SS.

[redacted]

I, Rev. E. C. King *, a Minister of the Gospel, DO HEREBY CERTIFY, that on the* 19 *day of* Oct. *A.D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.*

WITNESS my hand this 19 *day of* Oct. *A.D. 1898.*

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book 13 *, Page* 72.

E. C. King
A Minister of the Gospel.

NOTE.—This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars ($100.00).

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Eliza Hawkins for enrollment as a Cherokee Freedman.

No. F. D. 358

Henry Pack, of lawful age, being duly sworn on oath states that on the 14 day of September, A. D., 1901, he registered to Eliza Hawkins whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 18 day of September, 1901, he received the return card which is hereto attached, signed by the said Eliza Hawkins showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 18 day of Sept A. D. 1901.

J C Starr
Notary Public.

N

F.D. 358

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this.....

day.....A. D. 1901.

.....

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of..... , 1901.

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 18 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Eliza Hawkins for enrollment as a Cherokee Freedman:

Case No. F. D., 358

To Eliza Hawkins Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct. 7th at 8 o clock A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5 day of 3 1901, 1901.

L B Bell

W. W. Hasting

J. S. Davenport

Attorneys for the Cherokee Nation.

VB. J.D. 33-8

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 20 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

MAY 20 1901

CHEROKEE FREEDMEN.

Date May 20. 1901

Post Office Vinita, I.T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Doubtfull Citizenship .....

Mother ..... Citizenship .....

1 2. Name of wife Eliza Hawkins Age 22

Owners name ..... Citizenship .....

Year R.L. Page 120 No. 2975 District Delaware

Parents:

Father Dennis Hicks living Citizenship Colored

Mother Mary " — dead Citizenship Cher Freedmen

Names of Children:

2 3. ~~Tindall~~ C. Hawkins Year — Page — No. — Dist. — 2 mos

4. Tipindle Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. Doubtfull Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by M.I. Stenographer M. D. Green

1 on R.L. roll as Eliza Hicks

1 " Walker " Page 118 " 2489 - Eliza Hicks - Cov

2 aff. of birth to be supplied.

X Reg. 0355 —

Mellette and Smith, attys for applicant

9 J20332

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Eliza Hawkins,
Vinita, I. T.
Cherokee F-D-358.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

2nd notice

RETURNED

629
724

MUSKOGEE, IND. T.
MAR 7
REG. DIV.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

Eliza Hawkins,
Vinita, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Return to Writer.
UNCLAIMED.

Eliza Hawkins,
Muskogee
~~Vinita~~, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

UNCLAIMED

Mrs. Eliza Hawkins,
~~Vinita~~ Indian Territory.

4164

REGISTERED
APR 22 1902
Vinita, Ind. Ter.

REC'D
FEB 23 1902
MUSKOGEE, I.T.

REC'D
MAR 8 1901

Cher. Fr. R. 870

Trans. from C. Fr. D. 360

Cher. Fr. R. 870

Supplemental D 295

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.
Q How old are you? A About 64.
Q What is your post-office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You know Katie Ridge? A I didn't know her when I first saw her. When I first saw they they were up there on Honey Creek and someone said that was the Ridges.
Q What year was that? A That was along in the dall of '66, I tink it was.
Q You saw her in the fall of 1866 then? A Yes, sir.
Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.
Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.
Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.
Q Simon who? A Simon Lynch.
Q Did you know them before the war? A No, sir, he knew them.

By L.F.Bell, Cherokee attorney: Where were you going in '66?
A Going up to Southwest City.
Q How far is South West City from where they were living? A I dont know, sir, I never noticed; the first time I ever was down there, and I just went along with Simon.
Q About what time of the year was it? A It was long in the fall like.
Q Can you recollect, early or late? A It was early, it wasn't so cold, I ~~dax~~ know we slept out, we were going up there.
Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.
Q You went on from there to Southwest City did you? A Yes, sir.
Q Now where was Southwest City, in the Cherokee Nation or Missouri? A It was in Missouri or Arkansas, I don't know which, it was across the line.

-----o-----

Bruce C.Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C.Jones.

Sworn to and subscribed before me this the 16th of May, 1901.

(signed) C.R.Breckinridge,
Commissioner

-----o-----

M.D.Green, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D.Green.

Subscribed and sworn to before me this September 17, 1901.

Commissioner.

File with CFD 360 Joseph Hicks

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 12, 1901.

In the matter of the application of Dennis Hicks for the enrollment of himself, his wife, and five children as Cherokee Freedmen.

Dennis Hicks, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dennis Hicks.
Q How old are you? A I am 52 years old the 15th of June.
Q What is your post-office? A Vinita.
Q In what district do you live? A Coweescoowee; well I live in Saline, or Delaware it is; my home is in Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir, not unless you will accept my certificate; I am not a freedmen.
Q You want to apply? A Yes, sir, I want to apply.
Q As a Freedman? A No, sir, intermarried.
Q You are an African are you? A Yes, sir.
Q Who is it you want to apply for besides yourself? A Five minor children.
Q And have you a wife you want to apply for? A She will apply for herself I guess.
Q We would rather the family would come together? A Well.
Q You apply for yourself, your wife and five minor children?
A Yes, sir, the wife of them children thoughis dead.
Q You apply foryourself as an intermarried man do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I havelived here since 1872.
Q How many times have you been married? A Twice.
Q Give me the name of your first wife? A Mary Ridge.
Q Is she dead? A Yes, sir.
Q What was she, a Cherokee Freedman? A Yes, sir.
Q When did you and her marry? A 1872.
Q How long has she been dead? A Been dead four years.
Q Did you and she live together until she died? A Yes, sir.
Q What was the name of her father? A Henry Ridge.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 18 years.
Q Give me the name of her mother? A Katie Ridge.
Q Is she dead? A No, sir.
Q Did you get out a Cherokee license when you married this woman?
A Later on I did; a preacher married me in the first place.
Q Have you that license? A Yes, sir.

Commissioner: The applicant presents a licen se issued by the Clerk of Coweescoowee district, December 12, 1892, as well as it can be made out, authorizing marriage between himself and Mrs. Mary Hicks, nee Ridge. The certificate shows that they were united inmarriage on the 12th day of December, 1892, by the Rev. A.W. Lewis, and it is endorsed as having been recorded on the 12th day of December, 1892. This is filed here

By J. W. Davenport, Cherokee attorney: The representatives of the Cherokee Nation present protest against the introduction of the marriage certificate, under §659, page 329, of the Compiled laws of the Cherokee Nation of 1892.

Commissioner: This protest will be considered in the final determination of the case.

Q Now give me the name of your second wife? A Her name is Bettie Holt.
Q Is she living now? A Yes, sir.
Q Was this first wife ever married except to you? A No, sir.

Q How old is your present wife? A She is 36 years old.
Q When were you and she married? A About 2 years ago.
Q Have you a certificate of marriage? A I have at this Court down here, I haven't it with me, it is down at the house.
Q You claim that Bettie Felt is a Cherokee Freedman? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A I can't tell you how long, all her life though pretty near I suppose.
Q Give me the name of her father? A I don't know him, sir.
Q Give me the name of her mother? A Her name is Easter Hill.
Q Is she alive? A Yes, sir.
Q Was this wife ever married before she married you? A Why I think so, I don't know.
Q Give me the names of these children, begin with the oldest; these five children.
Q Commence at LeroyHicks.
Q How old is that child? A He is about 19 years old.
Q Whatis the next child? A Dennis Hicks, Jr.
Q How old is Dennis? A Dennis is about 17, going on 18 I believe he is.
Q Give me the name of the next child? A The next one is Delena Hicks.
Q How old is that child? A She is about, I think she is at 14 years old.
Q Give me the name of the next child? A Label Hicks.
Q How old is that child? A She is about 12.
Q The next child? A Elmer.
Q How old is that child? A Nine, going on 10.
Q Are these children all living now? A Yes, sir, all at home.
Q Are these children of your first wife? A Yes, sir.
Q Are you on any roll of the Cherokee Nation? A No myself, no sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant Dennis Hicks, nor Mary, his first wife, not identified on said roll.
The 1880 authenticated roll of Cherokee Freedmen examined and applicants not identified thereon.
Q Did your wife ever draw Cherokee strip money? A Yes sir.
Q Did you draw Cherokee strip money? A X for these children?
A Yes,sir; no, sir, they didn't give her this last money; the children did.
The Kerns-Clifton roll examined, and the applicants identified thereon as follows:
Dennis Hicks not on said rolls.
Mary Hicks not on said roll.
Leroy Hicks on page 120 No. 2976, Delaware District;
Dennis Hicks, Jr., on page 120, No. 2977, Delaware district; as Dennis Hicks.
Delana Hicks on page 120, No. 2978, Delaware District as Delaney Hicks.
Label Hicks on page 120 No. 2979, Delaware district.
Elmer Hicks on page 120, No. 2980, Delaware district.
The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Bettie Hicks not identified thereon.
The Kerns-Clifton roll examined, and the applicant Bettie Hicks identified thereon, page 163, No. 4035, Cooweescoowee district, as Bettie Felt.

Commissioner: What I would like particularly to know at this point is the status of the applicant's first wife, whereby hinges whatever claim he may have as an intermarried man and the claims of all these children.

Mr. Edgar Smith, attorney for applicant: That is what I want to clear up.

Mr.Smith: Who was your first wife? A Mary Ridge.

Q Who was her mother? A Katie Ridge.
Q Who washer father? A Henry Ridge.
Q Did she have any sisters or brothers? A Yes, sir.
Q Who were her sisters and brothers? A Cornelius Ridge, Phoebe Ridge, and Jesse Ridge, he is dead though.
Q Do you know Katie Ridge yourself? A Yes, sir.
Q How long have youknown her? A I knowed her first in time of the war.
Q Where does Kate Ridge live now? A She lives on the river.
Q What river? A Grand river.
Q How far from Vinita? A About 16, about 18 miles.
Q Has she been here during the sitting of the Commission at this place? A Yes, sir.
Q Do you know whether she made an application for the enrollment of herself or not? A Yes, sir.
Q How long did you and your wife live together here in the Cherokee Nation? A We lived together about 29 years in all; no, we lived together, been 29 years since we married; it is about 29 or '7 years.
Q Was thatup to the time of her death? A Yes, sir, up to the time she died.
Q Where did she die? A Here in Vinita; I don't know just exactly how many years.
Q You yourself don't know where your wife was during the war or in 1866? A Why she was during the war at Springfield.
Q Do you know of your own personal knowledge when she came back? A They came back right after the war; they left the place where theywere and said they were coming to the Nation, that is all I know about it.
Q What place was that? A Springfield, out in the country about four miles from Springfield; we lived right on the same house; we lived in that house about a year together.
Q When was it they said that, when did they leave and tell you they were coming back? A The year after they brought corn in down here to Gibson for the Indians, my father-in-law was hauling corn down here ~~to Gibson~~ for them, and the next fall they moved, said they were coming to the Nation.
Commissioner: That was Sprinfield, Missouri? A Yes, sir.
Mr. Smith: Are you able to state what year that was in? A That was the year the war closed they hauled the corn in, and the next fall they moved.
Q And said they were coming to the Cherokee Nation? A Yes, sir; I didn't see them for a good while after that.
Q And when did you next see her? A When I came here in 1872, or I first met them again in Joplin, that is before I came down here, and I married down here in 1872.
Q Where did you marry? A Down here on Grand River.
Q Have you lived in the Cherokee Nation ever since that time? A No, sir, I haven't, I went backwards and forwards to Joplin, I took my family up there once, they were up there about two months, came to visit me; I was a blacksmith and I had to work out for a living.
Q And you were there about how long? A She was there about two months, I was there about six months.
Q Is there any one here who knows who your wife's mother was? A Yes, sir, everybody present.
Q Well we don't want all of them; who knows who your wife's mother was? A I can use Fred Martin and Mrs. Amy Rose.
Mr. J. S. Davenport, Cherokee Attorney: How long have you lived back and forth at Joplin? A I worked back and forth there about three or four yearsmyself; the most of the time she was away, all the time, and I wasn't there, I never was away from here but a few months at a time.
Q That was your place of business, of work? A Yes, sir, yes, sir,

there is where I worked.
Commissioner: What was your wife doing up at Joplin at that time?
A They lived up there a little while, they were living up there.
Q How far is Joplin from Springfield? A It is 75 or 80 miles.
Q How long had you been there when you met them at Joplin? A Me, they were there when I went there, there was a great boom there and I went down there.
Q In what year wasit you moved? A That was in '72.
Mr. Davenport You say they were living there when you moved over there? A Yes, sir, they hadn't been there long though.
Q How long did they stay there after you met them? A They came right away that fall, I went down in the spring and they came away that fall.
Q How do you know that? A They said they hadn't, I don't know anything about it.
Q Mr. Smith You stated I believe, when they left Springfield the first time they stated they were coming to the Cherokee Nation?
A Yes, sir.
Mr. Davenport: The next time you saw them after they left Springfield and said they were coming to the Cherokee Nation, was at Joplin, Missouri? A Yes, sir, that was a good while after they left Springfield.
Q They left Springfield and said they were coming to the Cherokee Nation, but thenext time you saw them was in Joplin, Missouri, and in the same state of Missouri? A Yes, sir.

Amy Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your name? A Amy Bean.
Q How old are you? A 45.
Q What is your post-office? A Vinita.
Q How long have youlived in the Cherokee Nation? A Allmy life.
Mr. Smith: Do you know Dennis Hicks, the applicant in this case?
A Yes, sir.
Q How long have you known him? A Well, I really don't know, I guess about 27 or 8 years ago I first got acquainted with him.
Q Did you know his first wife? A Yes, sir.
Q What was her name? A Mary Hicks.
Q What was her name before she married him? A Ridge.
Q Who was her mother? A Kate Ridge.
Q Where does Kate Ridge live now? A She lives on yonder side of Grand river.
Q What post office? A Spavinaw I think that is her post office name.
Q Do you know whether sheis the same Kate Ridge who applied here the other day for enrollment? A Yes, sir, she is the same one applied up at the other table.

Mr. Smith: I will just ask to have the copies of the testimony on the Ridge case filed with this case.

Fred Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Fred Martin.
Q How old are you? A 43.
Q What is your post-office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Dennis Hicks, the applicant here? A I do.
Q Did you know his wife, his present wife? A Yes, sir.
Q What is her name? A Bettie Hicks; it was Bettie Holt before he married her.
Q How long has he been married to her? A I don't know just exactly how long he has been married, something over 2 years.
Q Do you know them as husband and wife? A Yes, sir.
Q They are living together in that way, are they? A Yes, sir.

Q They are recognized in the community as husband and wife?
A Yes, sir.
Q How long have you known her? A Well, I don't know, I have known her a long time.
Q Was she ever married before she married this man? A I don't know.
Q Has she any children? A She has one to my personal knowledge.
Q But you don't know whether she has ever been married or not?
A No, sir I don't know whether she has ever married.
Q Have you ever known her to live with another man as husband and wife? A No, sir, except Dennis.

Dennis Hicks, recalled, testified:

Mr. Smith: Dennis, your present wife claims to be entitled to be enrolled upon the freedman roll in her own right? A Yes, sir.
Q What proof does she depend upon in her case? is that proof present this evening or not? A I don't know that it is, I think they are out west somewhere.
Q She will have to get that proof and make it in addition to the proof in your case, and it will all be one case then.

Commissioner: The applicant applies for the enrollment of himself, his wife and five minor children. The applicant is shown by the marriage license and certificate filed herewith to have been married in accordance with the Cherokee laws to his first wife, now deceased, one Mary Ridge, in 1892, they having previously beenmarried according to the testimony under United States law. The applicant is a colored man and he claims as a Cherokee Freedman by intermarriage. He states that neither he or his first wife were ever previously married. He is not upon any roll, and his first wife is not upon the roll of 1880 or upon that of 1896, or upon the Kerns-Clifton roll.
Q How old was your wife, Mary Ridge, when she died? A She was about 42.
The Wallace roll examined, and Mary Hicks identified thereon, page 118, No. 2485, Coweescoowee district.
She is identified on the Wallace roll. Reference is made to the testimony as to her status, and also to the case of her mother, Mattie Ridge, Cherokee Freedman Doubtful card D 295 and the applicant will now be listed on a doubtful card as a Cherokee Freedman by intermarriage.
His present wife, for whom he makes application, Hettie Hicks, is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or 1896. But little testimony has so far been taken in her case, and to await further identification of the status of this woman, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's marriage to his second wife will also enter into his own right as afar as he may possess a right by intermarriage, and it has been established by satisfactory testimony, but it is not entirely clear whether she was previously married or not, so far as it may effect his rights.

As for the five children named in the testimony, they are all five identified on the Kerns-Clifton roll. These are the applicant's children by his first wife, Mary Ridge. They are living and to await the determination of her status, and for the further consideration of their case, they will now be listed for enrollment as Cherokee Freedmen on a doubtful card. The final decision of the Commission will be made known tothe applicant at his post office address.

Mr. Smith: Do you know whether your present wife was ever married before she married you? A I don't know, sir.

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Bruce C. Jones, being duly sworn, says that as stenographer to the

Dennis Hicks C

Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce S. Jones,

Sworn to and subscribed before me this the 30th of May, 1901.

(signed) C.R. Breckinridge,
Commissioner.

* * * * * *

SUPPLEMENTAL as to Bettie Hicks, D 365.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11, 1901.

In the matter of the enrollment of Bettie Hicks as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellott & Smith for applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Bettie Hicks.
Q How old are you? A Going on 58.
Q What is your post-office address? A Vinita.
Q What ~~direction~~ district do you live in? A I live in two districts, Coowescoowee and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Mamma was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q She married? A Yes sir.
Q She can apply for herself, have you any minor children you desire to apply for? A No sir.
Q Have you any witnesses here? A Yes sir.
MR. SMITH:
Q Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes sir.
Q Is she the same Easter Holt who applied here yesterday? A Yes sir.
Q Have you any brothers and sisters? A Yes sir, Sallie Miller, Josh Holt, Tecumseh Holt, Moss Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Where were you at the time the Civil War commenced? A At Webbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes sir.
Q Did you move out of the Cherokee Nation? A Yes sir.
Q Where did you go? A Fort Scott.
Q When did you return to the Cherokee Nation first after the war? A June, '66.
Q Where did you go to? A Ft. Gibson.
Q How long did you stay about Ft. Gibson at that time? A I were there something, over a year.
Q About how old were you at that time, in June, '65? A I don't know just how old.
Q Well were you grown? A Yes, sir, young woman.
Q You were not married? A No sir.

Q When did you marry first? A I didn't marry.
Q You are married now? A Yes sir.
Q How long have you been married? A Three years, September.
Q Up to the time you married three years ago, what occupation did you have, what was your business? A Just worked around.
Q What kind of work did you do? A Any kind of work, worked in hotel most of the time, Chamber work.
Q You were a Chambermaid? A Yes sir.
Q How long have you lived at Vinita? A I have lived in Vinita off and on since '79, up until '82, I left there, and then I went away and come back 12 years ago.
Q After youcame back to Ft. Gibson, in '66 I believe you stated that you remained there about a year? A Yes sir.
Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to Big Creek where my mother was.
Q Where is Big Creek? A Up here. (Indicating.)
Q What nation is it in? A Cherokee Nation.
Q Do you know of your own knowledge when your mother and brothers, Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.
Q Left them where? A Ft. Scott.
Q What was your uncle's name? A Andy Daugherty.
Q You don't know actually when they reached the Cherokee Nation yourself? A No sir, but time I left them they were fixing to go away and I went to Ft. Gibson.
Q You didn't come back with them? A No sir, they went with my uncle, and I went to Ft. Gibson, because my sister was down there.
Q What was your sister's name? A Sallie Miller, is her name now.
BY MR. DAVENPORT:
Q You went with your sister? A No sir, my sister went first to Ft. Gibson.
Q How long after your sister went to Ft Gibson was it before you went? A Not very long.
Q Year or such a matter? A No sir.
You went to Ft. Gibson and stayed awhile, and then you went back to Ft. Scott? A Yes sir.
Q How long did you stay at Ft. Scott; when you went the next time?
Q Couple of months, probably longer.
Q When you left Ft. Scott that time where did you go? A I went over to Big Creek.
Q To what point on Big Creek did you go? A Where my Uncle Andy lived.
Q Where was your mother at that time? A At Uncle Andy's.
Q In what country? A Cherokee Nation.
Q What part of the Cherokee Nation? A On Big Creek there.
Q Was she near what is known as the Fall leaf place was? A Close to there somewhere.
Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.
Q You have never heard of that name? A Yes sir, but I didn't know anything about him.
Q When you left Big Creek where did you go? A I come down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency, in the Creek Nation.
Q How long did you stay at the Old Agency? A About four months, and I sister, I went from there to Parsons and from there to Muskogee
Q How long did you stay at Parsons? A Two years.
Q Parsons, Kansas? A Yes sir.
Q Then where did you go? A To Muskogee.
Q How long did you stay in Muskogee that time? A About five years.
Q After you stayed in Muskogee five years where did you go? A To Vinita.

Bettie Hicks 3

Q That was the time you speakof being in Vinita in '79? A Yessir
Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Eureka Springs, I was sick, and came back in 1880 and worked for Henry Eiffert.
Q You have been out since that time? A On a visit.
Q You have never been anywhere since 1880? A Just when I would go out to work.
Q How long have you worked out in seasons since that time? A I dont know.
Q You have been out several years, you worked at different places? A Yes sir, just little while at a time.
Q What places have you worked since that time, in the states? A I haven't worked anywhere.
Q You haven't been anywhere since 1880? A Yes sir, I was out, I left here about '82.
Q Where did you go then? A I don't know where I did go.
Q When did you come back to Vinita after you left there in 1880? A In '89 I think.
Q And have beenliving there since that time? A Yes sir, right there, sisr.
Q You don't know anything about when your mother came back to the country do you, as to what year it was? A No sir, I don't.
Q You know your sister Sallie came back before you did? A Yes sir.
Q You don't know when your brothers came? A They was withmy mother three little brothers.

BY COM'R NEEDLES:

Q When were you married? A It will be three years in September.
Q That your first time? A Yes sir.
Q When you were going out, in your teostimony to Mr. Davenport, going out in the states working, were you a single woman? A Yes sir.
Q Your mother have a home at that time in the Territory? A Living with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be on the r1880 roll, but if can't be found.
Q On any other rolls? A On the Clifton roll.
Q What was your name before it was Hicks? A Holt.
Q What is your mother's name? A Ester Holt.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q Yousay you have grand children? A Yes sir.
Q I thought you said you were never married to anybodybut Mr. Hicks, four or five years ago? A It will be three years in September, I have one daughter.
Q Has your daughter applied to be enrolled? A No sir, not yet.
Q She has got a child? A She has four children.

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M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 20,1901.

(signed)T.B.Needles,
Commissioner.

REMAINDER OF THIS CASE TAKEN BY STENOGRAPHER, J.O.ROSSON.

* * *

Supl F D #355 Cont'd 1.

June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of BETTIE HICKS.
Former portion reported by Stenographer M.D.Green.

APPEARANCES:

Messrs. Smith and Mellette, for applicant;
Mr. Davenport, for Cherokee Nation.

POLLY NIVENS, being sworn by Commissioner T. B. Needles testified as follows; EXAMINATION BY MR. SMITH, of Counsel for applicant.

Q State your name? A Polly Nivens.
Q Where do you live? A Fort Gibson.
Q How long have you lived there? A All my life.
Q Do you know Bettie Hicks this applicant? A Yes, sir.
Q How long have you known her? A I known her just a while before the war.
Q Was she a slave? A Yes, sir.
Q Whom did she belong to? A Old Lady Holt I suppose.
Q Was Mrs. Holt a Cherokee? A Yes, sir.
Q Where did she live before the war? A She lived at Webbers Falls on this side of the river.
Q Where was this applicant, Bettie Hicks, at the time the war commenced, do you know? A I don't know, sir.
Q How long before the war had you seen her there at Holt's
A It was a good little while before the war; when the steam boats was running she was coming up to my Mistress' on a visit.
Q Do you know how long that was before the war? A No, sir, I dont
Q When did you see this applicant, Bettie, in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
Q When was that? A That was when the Refugees was drawing; I was in there cooking for the refugees, cook for the Commissary clerk
Q What were the Refugees doing? A They was issuing rations and the Clerk was issuing rations to them and I was cook for him.
Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
Q Had you been out or remain in the Nation? A I remained in the Nation; I just went out on Eyiar Town and come back before peace was made.
Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and Freed an too.
Q Are you a recognized citizen? A Yes, sir.
Q On the 1880 roll? A Yes, sir, always has been.
Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it wasjust after peace was made and they ordered them all to come in.
Q When you saw her? A Yes, sir.
Q How long did they issue these rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and begin; I could not tell how long I cooked about two years right along there.
Q Right soon after peace was declared? A Yes, sir, right after peace was declared.

BY MR. DAVENPORT:

Q Was she a grown young woman then? A Yes, sir.
Q Now, you saw her owner one time before the war when her Mistress come up to your Mistress' house? A Yes sir.
Q What was she doing up there? A She was waiting on her.
Q How many girls would she usually carry with her? A She sometimes would have one.
Q How many waiters did she have up there? A One.
Q Didn't you testify in the Sallie Miller case yesterday?
A Yes, sir.
Q Now when you testified in that case yesterday, didn't you testify that Sallie Miller was with Mrs. Holt when she visited your mistress at Fort Gibson as the waiting girl for Mrs. Holt? A Yes, sir, that is right.

BY MR. SMITH:

Q Did Mrs. Holt; what do you mean by that, now you saw Mrs. Holt brought Sallie up there? S ometimes bring Sallie andsometimes bring Bettie.
Q Did she make more than one visit? A Yes, sir, she visited more than once.

Q Well when you spoke of Mrs. Holt having brought Sallie up there as her waiting girl was that the same trip you are talking about now? A No, sir; they come up several times, come on the steam boat named pilot.

BY MR. DAVENPORT:

Q They came quite often to visit Mrs. Nivens? A Several times, we went down there several times.

Q She carried you with her? A No, sir, not every time.

Q Then you have been down there and seen her? A Yes, sir; I have been to Mrs. Holt's that is right.

Q And Holt's lived in Flint District didn't they? A The Holts I am talking about lived at the Falls.

Q You don't know whether theyhad ever lived up in Flint district? A No, sir.

HARRY STILL, being sworn and examined testified as follows

BY MR. SMITH:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q How old are you? A 54.

Q Do you know this applicant, Bettie Hicks? A Yes, sir.

Q Did you know her before the war? A Yes, sir.

Q Do you know whom she belonged to? A Belonged to Bill Holt.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q When did you first see this applicant, Bettie Hicks, in the Cherokee Nation after the war? A About '79, I believe.

Q Where was that? A Vinita.

Q Have you known her, or rather have you known anything of her whereabouts since that time? A Yes, sir.

Q Have you seenher often or a few times? A Often from the time I come to Vinita.

BY MR. DAVENPORT:

Q Where was Bill Holt living when you knew this woman athis place?

Q His home was, Bill Holt, was down here on the Arkansas, where I saw this woman.

Q What part of the Arkansas? A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Canadian District, I reckon.

Q Near what point that you can name? A It was not far from the old ranch there.

Q I don't know where the Whitmire Ranch was? A It was on the Arkansas river there, I know I saw Bettie distinctly.

Q On that side of the Arkansas did you see this Bettie as a slave of Bill Holt? A I don't know which side; I think it was on the other side.

Q You were there at his place wasn't you? A No, sir, he was at our place.

Q Did he have all his darkies down there? A He didn't have all of them. I saw Bettie.

Q Where was Bettie when you saw her? A I don't know.

Q How old was she when the war broke out? A She was grown woman.

Q Grown woman? A Looked like to me.

Q And you don't know where it was you saw her? A I don't know, I know distinctly I saw her when I went to Kansas.

Q How many sisters had Bettie? A She had Sallie.

Q Whichis the older Sallie or Bettie? A I don't know, I think Sallie is the oldest.

Q And you don't know which side of the river Bill Holt's place was on? A No, sir.

Q Which side of the river was Whitmire's ranch ? A On the North side.

Q And Vian Creek? A On this side I reckon.

Q And on which side of the river was Bill Whitmire's ranch on?

A On the East side, towards Fort Smith.

COM'R KREDLER: In this action the attorney for the applicant prays that the testimony taken in the case of the ap-

Supl FD#355 Cont'd 3 (6)

plication of Joshua Holt for enrollment as a Cherokee Freedman be made a part of the record in the case at bar; said Joshua Holt having been listed for enrollment on Doubtful card #644, and a copy of said testimony will be filed with the testimony taken in the case of the applicant.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this 24th day of June, 1901.

(signed) T B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 7th, 1901.

Commissioner.

To be filed with case of

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Joshua Holt.
Q How old are you? A 52.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q She can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Maucelia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q Whatwas your wife's father's name? A Anderson Johnson.
Q Was he a Cherokeefreedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the CherokeeNation examined and applicants identified thereon as follows:
Page 147, #3639, Josh Holt, Cooweescoowee district;
page 147, #3640, Laura Holt, Cooweescoowee district;
page 144, #3578, Jane Holt, Cooweescoowee district;
page 147, #3641, Ella Holt, Cooweescoowee district;
page 147, #3642, Jessie Holt, Cooweescoowee district;
page 147, #3643, William Holt, Cooweescoowee district.

Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."
page 117, #2477, Jane Holt, "Fort Scott, Kansas."
page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Esther Holt.
Q How old are you? A Along about 85.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.

APPLICANT recalled, and further examined: By Mr. Smith:
Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Edna, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Edna Kansas
Q You think it is nearer what is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again
Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1899.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to '99? A Yes, sir.
Q Do you mean '99, three years ago? A 1889.
Q Then you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maucelia? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you came back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q Was your mother a slave? A Yes, sir.
Q Who did she belong to? A Lill and Nellie Holt.
Q The same persons you have mentioned i n your own testimony?
A Yes, sir.
Q Where was your mother when the Civil War commenced?
A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did?
A She went out at the same time I did.

EXAMINED BY COM'R MEDLES:

Q Do you live i n Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes,sir.
Q You testified that you married her in 1889? A 1889.
Q Your oldest child is 19 years of age, you have given, Laura?
A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anything about their being your step-children?
A I think I did, I am not certain.
Q What was your wife's maiden name? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Cooweescoo-wee district.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Anderson Johnson.
Q Who was her mother? A Dinah Johnson.
Q Where did you marry her? A Cooweescoowee district, Big Creek.
Q Who married you? A Peter Meigs.
Q Does she claim to be a Cherokee freedman? A Yes, sir.
Q Freed woman? A Yes, sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes,sir.
Q By what name? A In 1893?
Q Yes, sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.
Q But you came from Ft. Scott down to Vinita? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir, she was up there working, I didn't move up there.
Q But your wife was with you? A Yes, sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named W. H. Robinson.
Q He was living there was he? A Yes, sir.
Q Colored man? A No, sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?
A 1889 I believe it was '88 or 9.

Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.
Q You don't know how long you had been up there? A Not exactly.
Q About how many years? A I tell you I don't know.
Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
Q Yes? A Why certainly not.
Q Then you deny positively that you were there more than two years?
A Yes, sir, I do, at a time.
Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
Q Have you been living in Vinita since 1889? A Yes, sir.
Q All the time? A Except when I was out working.
Q Where were you out working? A I were out at Lawrence, working and I was at Pabla and I was at Weir City, Kansas, working.
Q Where else were you working? A I worked there at Chetopa.
Q Working in Ft. Scott? A Since '89?
Q Yes? A I don't think I have.
Q How much of this time since 1889? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
Q How many years? A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out aI tell you
Q I want to know how much time you have been working out?
A I could not tell you that, because I don't know, but altogether would't make a year.
Q Where was your wife at that time, in Vinita all this time?
A She was in Vinita.
Q [illegible] at with you when you worked out? A Not since 1892 [illegible].
Q Where was this next child Willard born? A In Vinita.
Q Then was the next, Clifford? A In Vinita.
Q Where was Pamelia born? A Vinita.
Q All four of these children were born in Vinita were they?
A Yes, sir.
Q Who did you come down to the Cherokee Nation with after the war?
A Andy Daugherty.
Q Didn't Andy Daugherty have a place down therw when you came?
A Yes, sir.
Q He had a house up? A Yes, sir.
Q He had a patch of corn in? A Had a little corn in.
Q When you come? A Yes, sir.
Q Who else had a house down there when you come? A I rhink Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Luffin? A I think so, I am not certain.
Q Was Uncle Peter Ward living down there then? A I don't know.
Q Was Reuben and Tuck Sanders? A Yes, sir.
Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn?
A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did
Q What time did you come there? A In August.
Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
Q She came down with you did she? A When she first came from Kansas? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down to Ft. Scott? A Yes, sir, and worked a year and come back again.
Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there? A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was with her up there, in '64 and 5.
Q After that time were you with her? A I was with her at the Daugherty's when she was there.
Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there and she were working up there.
Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
Q What year was that? A I can't tell you.
Q Did you see her in '66? A We come down here in '66.
Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
Q Did you see her in Ft. Scott, Kansas, in the year '67?
A No, sir,
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68
Q And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh A I think he was living up there
Q You never made a home in Kansas? A No, sir.
Q Never had one? A Yes, sir, I built one about two years ago.
Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I built a home two years ago.
Q You never had a separate house there on Big Creek? A No, sir.
Q I want to know where you lived from '66 to '89? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Wichita.
Q Where was your mother then? A She was at Daugherty's.
Q How much of this time has she lived at Daugherty's? A I don't know.
Q You know Jim Foreman A I do.
Q Did you ever know him in Ft. Scott? A I did.
Q Did you know him there in '68? A I knew him there in '64 and 5.
Q Do you know Simon McKinsey? A I did.
Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
Q When did you know him? A '64 and 5.
Q Did you know him about '66? A I saw him after '66.
Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
Q Did you see him during the year of '66, '67, '68 or '9?
A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68? A No, sir.

Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Marriedih 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
By Com'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been marriedbefore she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes, sir.
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that? A No, sir.
Q Since the Wallace roll when has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house? A I was at the house.
Q Did she take household furniture with her? A DIdn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew living? A He is dead.
By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?
Mr. Hastings: I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
[illegible] That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
Q Where? A Vinita.
Q What kind of work did you morher do? A She was washing out and sometimes cooking.
Q Did you have sisters? A Yes, sir.
Q What were your sister's names? A Sallie and Bettie.
Q What is Bettie's name now? A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.
Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarah came back? A No, sir.
Q You know whether they were slaves before the war? A Yes, sir.
Q Who did they belong to? A Bill and Nellie Holt, same man I did.
By Com'r Needles: You say you were living on Big Creek?
A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer? A No, sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.
Q How long did you live there? A I pulled out from there in '85.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer A Yes, sir.
Q You didn't pretend to farm yourself? A No, sir.
By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
Q And your mother? A Yes, sir.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself? A Yes, sir.
Q You never lived in separate houses? A No, sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Since you came there? A Since I have been in Vinita, yes sir.
Q Hadn't she ever been married before ? A No, sir, not to my knowing.
Q Where did she come from when she come to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.
Q Your sister older than you? A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No, sir.
Q She didn't live with you there in '67, 8 and 9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee Named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas?
A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forget whether you stated your wife's father and mither were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you married her or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.
By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Needles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.
Q Who married you? A Peter Meigs.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camps who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.
Q There is no one here that saw you married? A No, sir.
By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.
Q You know whether she lived with this man as husband and wife by whom she had these two children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
Q You lived at Webbers Falls when the war came up? A Yes, sir.
Q You went out north? A Yes, sir.
Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken us out.
Q Were you living with Will and Nellie Holt at Webbers Falls?
A Yes, sir.
Q Did they have children? A Yes, sir.
Q What were their names? A Tempy Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER re-called, and further examined,
By Mr. Hastings: Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wife? A Yes, sir, he has got a wife.
Q What is her name aunty? A Named Sarah Holt.
Q Got some children? A Got one.
Q How old is it? A I don't know.
Q About how old is it a child grown? A Yes, sir, it is grown.
Q Is the child married? A No.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
Q You were present when he married? A No, sir, I think he married in Oswego.
Q You wasn't there? A No, sir.
Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
A Yes sir, when I did come down there.
Q Now aunty, when did you come down there, how many years ago?
A My brother went up there and brough me down and three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
Q And you come did you? A Yes, sir, I came in his wagon.
Q Did he have a house here at that time? A Yes, sir.
Q He had a little field? A Yes sir, small field.
Q What was your brother's name? A Andy Dougherty.
Q There was other people living around in the neighborhood were t here? A Yes, sir.
Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I don't remember.
Q Warm weather or cold? A I don't know whether it was warm or cold.
Q How long had your brother been living down here when you came?
A I don't know, he was living down here and had his house built when he brought me down.
Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
Q How long did you stay down here with your brother at that time?
A When he brought me down?
A Yes? A I stayed a year or two, I don't know.
Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.
Q How long was it until you come down to visit your brother again? Did you ever see him any more? A After I went up there?
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
Q You never had any home down here? A No, I made my home with him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
Q Never had no children by any other woman A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spend pretty near all your days haven't you aunty up to the Wallace court? A No, sir.
Q Did you work any down here beefre the Wallace Court? A No, sir, I haven't worked before the Wallace court, I have never been able broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no work here to do.
Q I say about all the work you done was in Kansas? A No, not all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go.
By Mr. Smith: How old are you, Aunt Esther? A About 85, that's the age they give me; I don't know my age; I was 16 years old the time the stars fell and the Commissioners have been trying to get my age from that, I don't know.
Com'r Needles: That was '32 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Holts and Nellie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers falls.
A How many children had you at the time the war commenced, besides Joshua? A Sallie and Betsy and Mosie and Joshua.
Q And who do you live with now A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Betti married now? A Yes, sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie named? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you have born slaves? A Yes, sir
Q Who did they belong to? A William Holts.
Q Same person you belonged to? A Yes, sir.
Q What was it you said about your brother coming after you up in Kansas, and about a tereaty? A He went up there to buy provisions everything in this nation was scarce at that time; he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.
Q And you? A Yes, sir brought four.
By Mr. Hastings: Bring your daughter Sallie? A No, sir, she was down here long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhores.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Esther Holt your mother? A Yes, sir.
Q She is the witness that's on the stand here now? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes, sir.
Q She went to Kansas didn't she? A Yes, sir.
Q When did she return? A '66.
Q returned with you? A Yes, sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.
Q She never got back to Kansas afterwards? A Yes, sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.
Q Did she have a home in this Nation? A No, sir.
Q Who was she living with? A Wither bmother up on Big creek except when she was working out.
Q Was she married then? A No, sir.
Q Her husband wasn't living then? A No, sir.
BY MR. HASTINGS: How long has Recumseh been living in Vinita?
A I don't know how long he has been living in Vini ta.
Q Well, your best judgment, has he lived there five years?
A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)
Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Ci ilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 18th, 1901.
(Signed) T. B. Needles,
Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROSSON.

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JOSHUA HOLT, et al., Application continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:
Messrs. Mallette & Smith, for Applicants;
Mr. W. W. Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

Q State your name? A Moses Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well give us your best idean, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know whom he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him
Q How long have you known him? A I have known him ever since he was a boy.
Q Did you know him before the war? A I know him just a little before the war come up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Cherokee Nation after the war? A Well, sir, I ajust can't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here on Verdigris.
Q At what place? A Gooseneck Band.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No, sir, I don't.
Q Did you know his mother, Nether Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1866 A No, sir, I don't.

BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.
Q Where did Joshua Holt and hismother live? A In Illinois district.
Q How far was that from you? A When I got acquaintedwith them I was working at John Daniels' in Canadian district.
Q How far were you working from him? A Just across the river there at John Daniles at the old place.
Q You were working there when the war came up? A Yes, sir.
Q And you knew those people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.
By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can't say, they were living together when I saw him.
Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
Q Where was that? A It was on Big creek when I got acquainted with him.
Q After the war? A Since the war.
Q You never knew them at all before the war? A No, sir.
Q You know Jane you say? A Yes, sir.
Q Where was Jane living when you first knew her? A She was living there with her father.
Q Was she married? A No, sir.
Q Living with her father Anderson? A Yes, sir.
Q Do you know whether Anderson went out of the Nation during the war? A I wasn't acquainted with him.
Q Don't know whether he went and when he came back? A No, sir.
By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years anyway.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
Q The Wallace court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:
Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.
Q In what army? A In the 44th or 48th United States Infantry Colored, 48th I think.
Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation? A '66.
Q How do you know that? A I saw him on Big creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him? A She was born on Big Creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you come or you come before him? A He was there when I come.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recordee the test mony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental Testimony in C.F. D.#644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 29th, 1901.

Mellette & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles, testified as follows, for the applicant: By Mr. Smith:

Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know hiw wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhouser family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Hoshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Must have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes, sir.
Q Where were these children born and raised? A On Big creek mostly.
Q How long has Jane ~~x~~ been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A Yes, sir, In '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q When did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they recognized in your community as man and wife? A Yes, sir, I never knowed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.
Q What part of the Nation did he come to? A Big creek.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q On the roll of 1880? A Yes, sir.
BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a state raised woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him who he came with you folks?
A Not the first time.
Q What time was it that he came down with you, what time of the year? A Long in '66, long in the month of August.
Q Was that w hen some of you men folks come in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't you b e positivie as to whether that oldest child was born in the Cherokee Nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A 7 miles, between 6 and 7 miles close to Albert Morris.
BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q 's much as six months? A Can't have been any longer.
BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee Nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A With us in our wagon.
Q When? A Long in the summer of '66.
Q Was he married then? A He was not.
Q When did you first become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big Creek.
Q How far did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several.
Q Any girls? A Yes, sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of those you remember? A Mary, I don't know much about the girls.
Q Do you know if any of these children are married? A One is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.
Q How long since he was killed? A I think about 16 years.
Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there? A As man and wife.
Q Do you know when these children of theirs were born? A No, sir.
Q Were they born while they were living together as man and wife?
A Yes, sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes, sir.
Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.
Q Do you know whether she is the oldest child or not? A No, sir, I don't.
Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.
Q You all first came down in August and then went back?
A Yes, sir.
Q You say Anderson wasn't married then? A No, sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?
A Yes, sir.
Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes, sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?
A Yes, sir.

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Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 18th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:

Q What is your name? A Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
Q You know whether they were ever married or not?
A I couldn't tell you about the wedding, they were living together as man and wife.
Q So recognized by the community? A Yes, sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
Q You know this girl's sister, Mary Johnson? A Yes, sir.
Q At the time she was born were they living together as man and wife? A Yes, sir.
Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified a while ago in the Mary Johnson case? A Yes, sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married man when he first came there?
A No, sir, he was a single man.
Q It was sometime after that when he married? A Yes, sir.
Q Had he been married up to that time? A Up to what time?
Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No, sir.
Q You don't remember just about how long after he come down there? A No, sir.
Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't rtry.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have my
Q Do you have any idea how old this woman is, (indicating applicant A No, sir, not exactly.

By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the creek, three children.
Q While they were living togetheras man and wife they raised a family? A Yes, sir.

By Mr. Hastings; You don't know where he got the woman? A No, sir, I couldn't toll you.
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Cooweescoowee district.

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SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)
Q Did you know Jane Holt? A Yes, sir.
Q Whose wife is she now? A John Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.
(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.
(Signed) T. B. Needles,
Commissioner.

J. O. Rosson, being duly sworn, says that as stenogrqpher to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J O Rosson

Subscribed and sworn to before me this September 12th, 1901.

Commissioner.

To be filed in CFD-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May, 15th 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 84, I was 16 when the stars fell
Q What is your post office address? A Spavinaw.
Q Is that in Delaware District? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you grom from Springfield to Joplin or did you come here first? A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayettevilla, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By L. B. Bell, Cherokee Representative:
Q Did you go into Arkansas with Mrs. Ridge. that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayettsville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge
Q Did you know old Peter? A Yes sir he was my brother in law.
Q Did you know Dr. Polson? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was

down to Polstons then and then back to Fayetteville Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville? A My Mistress lived there away after they killed John Ridge, she went from Honey Creek to near Bentonville then.
Q How long did you live on that farm? A I dont know.
Q When did Polston live on that farm? A I dont know exactly.
Q How long had he been living there when the war broke out? A I dont remember.
Q Several years? A I dont know.
Q You dont know nothing about it? A I dont know of him all the time.
Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.
Q Well tell me where he lived then? A In Fayetteville.
Q That is in Washington county? A I didn't know.
Q He was Mrs. Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband ~~xxxx~~ A Henry? A He is dead, he died in small pox time.

By the Commission-
Q Where did your master die when he was killed? A Somewhere in the Territory- he was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.
Q How old are you? A 71.
Q What is your post office address? A Spavinaw.
Q Are you a recognized Freedman of the Cherokee Nation? A Yessir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I dont know how long it had been I knew her before the war.
Q Who did she belong to? A Mr. Ridge.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war? A I dont know.
Q Where did you first see her after the war? A On Honey creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed? A I dont know.
Q Do you know of him ever living outside of the Cherokee Nation? A I think he did.
Q Was he living in Arkansas? A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother? A I dont know.

By L.B.Bell:

Katie Ridge 3.

Q What time of the year was it you say he applicant on Honey Creek in '66? A The summer of '66, I dont know just what time, but it was in the summer time.
Q What was you doing there? A I went to South West City.
Q You saw this women where? A At the old place, Dr. Somebody owned it them.
Q Was he there? A No sir.
Q How far is that from South West City? A Taint very far, I dont know just exactly.know exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Baties Prairie.
Q Where did you come here first after the war? A The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Cooweescoo e District.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

* * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, I. T.

(signed)T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 4th, 1901.

Commissioner.

A. F. D. 3 6a

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 20,1901.

In the matter of the application of Joseph Hicks for the enrollment of himself, wife as intermarried, and one child as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge he testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicants;
Caleb Starr, for Cherokee Nation.

Q Give me your name? A Joseph Hicks.
Q How old are you? A 28.
Q What is your post-office? A Vinita.
Q In what district do you live? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A One child.
Q Do you apply for your wife? A No sir.

Attorney Smith: Q What is your wife's name? A Susie.
Q Put her in.? A All right.
Com'r Breckinridge: Q You apply, then, for yourself, wife and one child? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Dennis Hicks.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Mary Hicks.
Q She is dead, is she? A Yes sir.
Q Been dead about five years? A Yes sir.
Q Give me the name of your wife? A Susie Hicks.
Q How old is your wife? A She is 26 years old.
Q Do you claim by her only, through marriage to you? A Yes sir.
Q When did you marry her? A In '94.
Q She was a non-citizen? A Yes sir.
Q She is a colored woman? A Yes sir.
Q Have you a certificate of your marriage? A Yes sir. (Produces papers)
Q Give me the name of your wife when you married her? A Susie Blackwell.

Com'r: The applicant presents a certificate of marriage showing that he and Susie Blackwell were united in marriage at Vinita, on the 18th of April, 1894, there being inserted therein the names of several witnesses, among them the Rev. A.W.Lewis.

Q Who married you and your wife? A Rev. A.W.Lewis.
Q Did he write out this certificate? A No sir.
Q Who wrote it out? A Man by the name of John Choutean I think wrote that out.
Q And he just put in all the names? A Yes sir. The preacher give him a list of them that was there.

Com'r: This certificate simply certifies that the persons named therein were united in marriage, without stating by whom they were married, and as shown, the witnesses whose names are given in the certificate, did not themselves make signature on it. It is examined and is returned to the applicant, and personal testimony will be evoked to further establish the marriage.

Q Isn't your father here? A Yes sir.

DENNIS HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Dennis Hicks.
Q How old are you? A I am fifty-two years old.
Q What is your post-office? A Vinita.

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Q How long have you lived in the Cherokee Nation? A I have lived here since '72.
Q Do you know the applicant here? A Yes sir.
Q Is he your son? A Yes sir.
Q Is he married? A Yes sir.
Q What is the name of his wife? A Susie.
Q What was her name when he married her? A Susie Blackwell.
Q Were you present when they were married? A I was not, I know they went to the Church to get married.
Q About how long ago? A It has been seven or eight years.
Q Was your son ever married except to this woman? A Was not.
Q Was she ever married except to him? A No sir.
Q Did you know her before he married her? A Yes sir.
Q Had you known her long? A I had known her several years.
Q She was never married before? A Neverwas; she was just a girl.
Q They were regularly married? A Yes sir, a preacher married them.
Q Have they been living together as man and wife ever since?
A Yes sir.
Q Do you know that of your own knowledge? A Yes sir; I built a house for them and they went right into it.

Applicant, JOSEPH HICKS, re-called and further examined; By Commissioner Breckinridge:

Q You testified that you were never married until you married this wife? A Yes sir.
Q Was she ever married except to you? A No sir.
Q Has she lived with you in the Cherokee Nation ever since you were married? A Yes sir.
Q Give me now, please, the name of your child? A Otto A. Hicks.
Q How old is that child? A 2 years old.
Q That's a child of this marriage? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and not found;
1896 census roll of citizens of the Cherokee Nation examined for applicants and names not found;

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 119 #2972, Joe Hicks, (District unknown.)

Wallace roll of citizens of the Cherokee Nation examined and applicant identified there on as follows:
page 118 #2436 Joseph Hicks, Cooweescoowee District.

Q Do you know Eliza Hawkins? A Yes sir.
Q What kin is she to you? A My sister.
Q Full sister? A Yes sir.
Q You don't make any claim through your father? A No sir.
Q If he has any rights it is as an intermarried Cherokee Freedman is it not? A Yes sir.
Q But you claim that your mother Mary was a Cherokee Freedman?
A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; the applicant is identified on the Wallace roll and on the Kerns-Clifton roll, as a Cherokee Freedman, but he is not identified on the roll of 1880 or on the census roll of 1896; he states that he has lived in the Cherokee Nation all his life; he states that his claim to enrollment is through his mother, Mary Hicks, deceased, and for further testimony in this case reference is made to Cherokee Freedman case D-355, the same being the case of the applicant's father, Dennis Hick, in which case the status of the applicant's deceased mother is set forth in full; the applicant will now be listed for enrollment as a

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Cherokee Freedman on a doubtful card, for the further consideration of his case.

He is shown to have been lawfully married to his wife, in 1894, and they have lived together ever since their marriage; he states that his wife has no claim to citizenship except as an intermarried Cherokee Freedman through himself; she will now be listed for enrollment as an intermarried Cherokee Freedman on a doubtful card; when the Commission is supplied with proper certificate of the birth of his child, Otto A. Hicks, this child will also be listed for enrollment as a Cherokee Freedman, on a doubtful card; the final decision of the Commission will be made known to the applicant at his post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 21, 1901.

Tams Bixby

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A. Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. SMITH:
Q Where do you live? A I live in Saline District, Cherokee Nation
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
A Yes, sir, she did.
Q What sister did you have? A Phoeba and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did marry marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q When did you come back to the Cherokee Nation first after the war? A Come back in '66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, what members of your father's and mother's were with you; you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoeba and Mary and a brother, Jesse.
Q Is Jesse alive A No sir, he is not alive.

Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3865, Cornelius Ridge, Coowescoowee District.
Page 157. #3880, Pearl Ridge, Coowescoowee District.
Page 157, #3881, Jesse Ridge, Coowescoowee District.
Page 157 #3882, Myrtle Ridge, Coowescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 153, #3185, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Nowata? A Yes, sir.

BY MR. HASTINGS:
Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother ~~in~~ at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect thoughit is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your Mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's Prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me

like there was an orchard; might have been, I won't be sure.
Q Who did you say your Master was? A Herman Ridge.
Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.
Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.
Q Well, where was he living just before he joined the army?
Q I don't know sir, I could not tell you?
Q We'l now, you came back here did you with your father and mother?
A Yes, sir.
Q Now what was the first point you came to? A In the Nation?
Q Yes. A On Honey Creek.
Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old home? A Yes, sir.
Q You come right back to the old home didn't you? A No, sir, not right exactly.
Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q That was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q What is your oldestchild's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No, sir; he is younger
Q And where was Ida born? A Ida was born on Grand river.
Q Near what place? A On Lynch's prairie.
Q How long after the war was it until you come down to Lynch's prairie? A How long after the war you ask me?
Q That is the question. A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sira
Q And you lived there you say about two or three months? A Yes sir.
Q Now, what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.
Q Did you go to the old place while you were there? A Polston place; yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure; let me think over that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there? A No, sir, I don't remember any one.
Q Where did you get anything to eat? A Brought provisions with us.
Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Q You never worked for anybody? A Never done a day's work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewheres along about there.
Q Were you up about that town there while you were down there on Honey Creek? A No, sir.
Q You didn't go to any town? A No, sir; what do you mean, Southwest City?
Q Yes, sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.
Q None except polston? A No, sir, that I can remember now.
Q You don't remember any of those Indians that were living about there? A No, sir; I don't remember, there was none living there as I know of.
Q Was there any field connected with your house you lived in?
A No, sir.
Q What did you get water out of, creek, spring or well?
A Spring.
Q What direction was the spring from the house? A Well, sir, I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the home place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife ~~x~~ your sister? A Yes, sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.
Q Did she go this round with you? A Yes, sir.
Q Your mother was with you? A Yes, sir.
Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes, sir, I think she was.
Q Well, now in all these round you went your father and mother and all the members of your family would go with them? A Yes, sir.

BY COMM'R MERRILES:
Q Well, you apply for your wife as an intermarried citizen do you?
A Yes sir.
Q When were you married to her? A I don't know sir, about 1867 I guess.
Q Have you been living withher continuously since that time?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q Where were you married? A Married in Missouri.
Q She is a state woman? A Yes, sir.
Q Where were you living in 1867? A In Missouri.
Q Brought your wife back with you when you come? A Yes, sir.

BY MR. HASTINGS:
Q Joplin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:
Q What time, Cornelius, did you leave the Cherokee Nation after you came here in 1866; how long did you stay here in 1866? A We came in the fall and left after Christmas.

Cornelius Ridge et al 5.

Q Were you a marriedor unmarried man at the time you came here in 1866? A Unmarried.
Q Why did you leave the Nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go to? A Went to Joplin, Missouri.
Q How long did you stay there? A About three or four years, I presume.
Q And then where did you go to? A Came on Grand river.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since? A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came? A Yes, sir.

BY MR. HASTINGS:
Q What time did you say you came back? A From Missouri?
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

COMM'R NEEDLES:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are fully identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a slave woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedman card D #355, and it is ordered that the testimony taken in the application of Watie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D. Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this June 17th 1901.

(signed) T.B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D.Green

Subscribed and sworn to before me this September 5th, 1901.

Commissioner.

File with case of Joseph Hicks, C.F.-D.#360.

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SALLIE MILLER as a Cherokee Freedman, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.
Q Where do you live? A I live up Pryor Creek, about five miles north of Prior Creek.
Q What is your age? A I am 59.
Q How long have you lived in the Cherokee Nation? A Been living here all my life, only few times I have been out of the Nation.
Q Well, you were out of the Nation; when you were out of the Nation what places were you in? A When I was out of the Nation I lived at Fort Scott, Kansas.
Q About what year did you live in Fort Scott, Kansas? A I lived from 1865 down to 1866, '67 and down to spring of '68.
Q During the years you lived there did you become acquainted with Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted with one lady named at that time Sallie Holt.
Q Well, did you know her family at that time, her mother?
A Yes, sir.
Q What was her mother's name? A Au nt Easter Holt.
Q Did you know any of her brothers? A Tecumseh and I forget the other one's name, was another one.
Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and Joshua.
Q Did you know any of her sisters? A Yes, sir, but I forget their names.
Q Now, where were they living, if you know, during the years you lived at Fort Scott? A They lived in an old Government building right in Fort Scott.
Q You went there in 1865? A In '65
Q How long had you been there before you knew these people, or got acquainted with them? A I was there about a month or two or three months, I could not state the time.
Q Well, where were they living when you left Fort Scott, Kansas, if you know? A Well, Aunt Easter was living in an old Government building.
Q Have you seen any of them since that time? A No, sir.
MR. MELLETTE: Now, Mr. McKenzie, you don't know that the woman who is an applicant here for enrollment is the whoman whom you say you saw up at Fort Scott, Kansas, at the close of the war, do you?
A I don't know the woman.
Q You don't know that that is the same woman? A In the same name.
Q It is not the same name? A She name Holt.
Q Well, you don't know that this is the same woman that you knew up there, do you? A Well, it was a daughter of Easter Holt, it was a Sallie woman.
Q Well, you don't know anything about this applicant; you have never seen this applicant here? A I haven't seen her here.

Q Well, you have never seen her since she has made appli cation here for enrollment have you? A No, sir.
Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
Q In the Spring of '68? A Yes, sir.
Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing putlic work there.
Q Did you keep track of these colored people? A All I saw.
Q Did you ever testify in this case before? A I guess I did.
Q When? A Not long ago at Fort Gibson.
Q You give testimony up at Fort Gibson? A I thi nk I did.
Q How long ago? A I don't know exactly whether it was last month.
Q How old are you, Mr. McKenzie? A I am 59.
Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago A Well, I guess I could remember it, I statedbefore.
Q There is no reason why you paid particular attention to them?
A No, just seeing them pass and repassing about.
Q You left there in the spring of '68? A Yes, sir.
Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
Q Well, now, off and on there, you saw them? A Every week
Q Can you remember 35 years ago you saw these people every weeks?
A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
Q Well, you feel because you are here you have to testify something?
A I don't know.
Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
Q Is it possible they might have left there a year before you did?
A If they did they went back in a short time.
Q What were you paying so particular attention to those people for?
A I could not tell you.
Q You just watched them? A Well, just seeing them pass and pass every day.
Q Who else did you see up there at Fort Scott? A Why I see good many.
Q What other coloredpeople? A Good many. Good many other colored people, but I don't know their names.
Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
Q There were a great many coloredpeople in Fort Scott?
A Yes, sir.
Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
Q Well, who else lived in the Government building there?
A Good many families.
Q Good many families? A Yes, sir.
Q Why don't you remember the names of the other colored people?
A Because the boys I remember them, and part lived in town-
Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)

Q And who else was there? A Bill was blacksmith; Tom Brown.
Q Was it Tom Brown or Bill Brown? A Tom Brown
Q when did they leave there? A I don't know.
Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of twon and a familu lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
Q What makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; tTom Brown was a blacksmith, worked in town.
Q When was the last time you remember seeing this Sallie Miller?
A Well, I saw when I left Fort Scott.
Q Di you see her the day you left? A No, sir; I didn't see her the day before I left.
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
Q You remember then of seeing her two weeks before you left?
A Yes, might have been two weeks, and maybe longer and not so long.
Q Maybe a year too? (No response.)
Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
Q How do you know she went to Mapleton? A Well, if she left al all.
Q What makes you think that? A That was the talk.
Q How was that? A That is why I found out by talking with her brother.
Q You got a letter? A No, sir, talking with her brother.
Q You are testifying to what her brother told you?
A That is how I found out where she went, if she went off at all.
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
Q what is your age, Mr. Margrave? A My age is -430--about 82; I am away along in the 83 year.
Q where do you live, Mr. Margrave? A Fort scott, Kansas.
Q How long have you lived at Fort scott, Kansas? A Since 1854.
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
Q You know the old lady's name? A Yes, sir; do you mean the mother?
Q Yes, sir; what was her name? A Easter Holt.
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Cumsh, Sallie and Josh.
Q When did you become acquaintedwith the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very w hortly afterwards.
Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
Q Well, now, where is Mose Holt living now, do you know?
A Lives right there by me in Fort scott.
Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never took no count of; I don't thi nk he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

Q About how long has it been since Tecumseh moved away from there?
Q That maybe all the way fromm five, sir, seven or eight years, not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.
Q Well, did Sallie Holt marry while she wasup there? A Yes, married twice.
Q What was her first husband's name? A Walker he died and then she married a Miller.
Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.
Q Have you seen Sallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I knew her as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in -? A Seven, eight or ten years.
Q Do you know where Aunt Easter Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates-
Q About how long? A I would think it was six or seven years ago.
Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquaint ed with them.
Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.
Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.

MR. MELLETTE: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because-
Q Well, now, where was she in '66? A The family was there, I am satisified they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; one of the family might went away.
Q You can't say that Sallie Miller, or Sallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that time. One of the family could go off and I would not know anythi ng about that; go off and return again.
Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.
Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 35 years ago A You mean one at the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, one of them? A Walker.
Q Didn't she talke some children back from here the first ti me she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 56.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 33 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.

Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Mose Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not sat, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MELLETTE: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.

Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the terrtory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTEN, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighten.

Q Where do you live, Mr. Brighten? A Fort Scott, Kansas.

Q How long have you lived in Fort scott, Kansas? A 20 years.
Q Since you have been living at Fort scott, Kansas, have you become acquainted with a family of Colored people by the name of Holt?
A Yes, sir.
Q What membersof the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
Q Did you ever know the mother? A No, sir.
MR. MELLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they reallly,belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:
MR. DAVENPORT: what is your name? A William Sexton.
Q Where do you live, Mr. Sexton? A Fort scott, Kansas.
Q How long have you lived at Fort scott, Kansas? A I have lived at Fort scott ever since '69.
Q Well, since you came to Fort scott, Kansas, did you get acquai nted with a colored family by the name of Holts? A I did.
Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
Q What was her name? A Her name was Easter Holt.
Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jenni e and Sallie; that's as many as I recollect.
Q Well, did you know Sallie Holt, if she was a grown woman?
A Sallie she was a woman when I got acquainted with her.
Q Josh, was he grown when you got acquainted with him?
A No, sir, he was a young man.
Q Would you know Sallie Holt if you would see her now?
A Yes, sir.
Q I wish you would look back through the audience and see if you see her? A Yes, sir.
Q You recognize her as being the same woman, Sallie Holt, you knew?
A Same woman.
Q Did she marry while she wasliving up at Fort scott? A She was married when I got acquainted with her.
Q Do you know what her husband name was? A Her husband's name was Walker.
Q Do you know whether Walker is living or dead? A He died.
Q Well, did she marry again? A She did.
Q Do you know who she married? A She married a man by the name o. Miller.
Q Do you know his first name? A Stepney.
Q What was his business? A He was a shoemaker up there.
Q You knew Josh too up there did you? A Yes, sir.
Q And Tecumseh? A Tecumseh.
Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
Q Do you know whether or not there was a girl by the name of Bettie?
A I wouldn't be positive but it appears to me there was.
Q Were they living in Fort scott when you went there in '69, Mr. Sexton? A Yes, sir.
Q Well, about how long after you went there did they continue to live in Fort scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Moses living now? A Moses is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MILLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. Q. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Q. Rosson

Subscribed and sworn to before me this October 15th, 1901.

Commissioner.

19360

Subpoenaed and sworn to before me this Nineteenth day of November, 1951.

Commissioner.

FILED
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ACTING CHAIRMAN.

[illegible]

[illegible]

[illegible]

File with C. F. D-360, Joseph Hicks.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 9, 1901.

In the matter of the application of Kate Ridge for enrollment as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. L.B. Bell, of attorneys for Cherokee Nation,
and Mr. W.W. Hastings, of attorneys for Cherokee Nation.

W.H. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war begun? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q How when did you return to the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Come to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war begun, or how come you to go on thatplace? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then- A Until the fallof 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Katie Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with whatis known as the old Washbourn place at that time? A Yes sir.
Q Was there any Freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston ~~ever~~ occupy that place after you bought it from him or did he ever? A He went right on the place when we left it

in '68.
Q Where did he move from to that place? A He moved from Mayesville Arkansas.
Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.
Q Now do you know anything about where Dr. Polston was in the early part of '66, or where he come from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knewof? A Not that I had any knowledge of.
Q But you moved away from that place in '68? A Yes sir.
BY MR. MELLETTE:
Q How old are you, Mr. Wood? A 48 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You were quite a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days? A Yes sir, I do.
Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.
Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.
Q What place are you talking about as the one they colored people did not live on? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.
Q How many Polston places were there in that country? A Just the one.
Q How do you know? A I lived there.
Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.
Q Where did you go during the war? A I went to the Choctaw Nation.
Q When did you return? A In '65.
Q What time in '65? A Spring.
Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possioly 3 months getting through.
Q Do you know Herman or Hiram Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COM'R NEEDLES:
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your occupation? A I am farming and selling goods.
B MR. BELL:
Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blevins' place,
Q And then moved down into the Cherokee nation in '66? A Yes sir.

MRS. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 9th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Eneous Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died beforeI went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yessir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. MELLETTE:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in58 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you ~~xxxx~~ became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
Q How long did you live there? A A year and four months, that was as long as he lived.
Q That was up just about the beginning of the war? A Well I lived there until '59. I left there in the fall of '59.
Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri,- I saw her husband.
Q Oh you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Tell that gentleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 63.
Q Are you a citizen of the Cherokee nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee Nation and Missouri.
Q Were you living 2 miles north of South west City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.P. Lawrence were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Strothers I think the post-office was handled.
Q Well the post-office was there in the store? A Yes sir.

Q What was the place called then? A Honey Creek.
Q How long did it retain that name of Honey Creek, or when did it change back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwes City.
Q Was that in one or two or three years? A Well yes, three years perhaps, somewheres along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town was started a little.
MR. MELLETTE: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:
BY MR. BELL:
Q Give me your name, age and post-office? A My name is James M. Bell, aged 69, post-office Needmore, or Vinita, either one.
Q You are a citizen of the Cherokee nation are you? A Yes sir.
Q How long have you lived in this Cherokee nation? A Well with the exception if a few intervals I have been here since '39.
Q Well you have been here 40 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A ~~As far as~~ His first child was not of sound mind, a girl, Rolen Ridge was the next, Herman, Eneous, Andrew, Susan Washbourn, Flora Polston, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards moved to Feyetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know? A He was between 35 and 30; he was 25 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother where? A In Benton County, Arkansas.
Q When did he join the army? A He joined in '62.
Q ~~When~~ Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a farm, location or home or habitation in the Cherokee Nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes sir.
Q By blood, friendship, social matters or what? A [illegible] my under-

standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. MELLETTE:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, , who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where he was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I knew nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W.W.HASTINGS:

Q What is your name? A L.B.Bell, 62 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess , Haversham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1843 when the whole world was flooded, I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q Now who lived there, occupiedit? A Old Peter,-the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and runoff and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his that he had there, remained on the place 5 or 6 years, then it passed into the hands of Dr. Polston, who married Elvira, the youngest girl of John Ridges family; they lived there until '61 probably lived there 3 or

or 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the confederate Army, General Watie was a kinsman of his and he joined the xx regiment that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1868; his heirs own it yet.
BY MR. MELLETTE:
Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.
MR. MELLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:
BY MR. BELL:
Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.
BY MR. MELLETTE:
Q Did she return to the Cherokee Nation at any time ~~that xxx~~ there while you were there? A Notthat I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.
Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At ~~Fayetteville~~ Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.
Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Yessir.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Cher-

Tate Ridge (sup'l) 8

okee Nation? A Well I don't know; I know they were living there and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know what legal steps were taken by these people, Washbourns and or Felsteins to re-establish their citizenship? A No sir.

COMMISSIONER MEDILL: The testimony will be filed in Tate Ridge, Cherokee Freedman D 895, and D565 and D 886, and D 589 and D 300, D 560, D 341, D 642 and D 368.

(Copies of this testimony have also been made for C.F.D-678, D638, D647, D691, D694 and D635.-Stenog.)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

X10360

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Joseph Hicks, D 360;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and swrn to before me this July 29, 1902.

Notary Public.

A. F. No.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedman, consolidating the applications of:

Katie Ridge,	Cherokee	Freedmen	D 295
Cornelius Ridge, et al.,	"	"	D 586
Phoebe Johnson, et al.,	"	"	D 589
Henry C. Ridge,	"	"	D 630
Ida Jones, et al.,	"	"	D 647
Ary Lynch,	"	"	R 70
Elnora Vann,	"	"	R 113
Maud Riley, et al.,	"	"	D 591
Rosa Vann, et al.,	"	"	D 594
William Townsend,	"	"	D 636
Mollie Townsend, et al.,	"	"	D 651.
Dennis Hicks, Jr., et al.,	"	"	D 355
Joshua Holt, et al.,	"	"	D 544
Sallie Miller,	"	"	D 648
Mary Johnson,	"	"	D 864
Ruth Vann, et al.,	"	"	D 866
Frank Johnson, et al.,	"	"	D 875
Eliza Hawkins, et al.,	"	"	D 358
Joseph Hicks, et al.,	"	"	D 360
Katie Hicks,	"	"	D 361
James A. Hicks,	"	"	D 362
Frances Johnson, et al.,	"	"	D 876
Anna Butler, et al.,	"	"	D 979
Howard Bushyhead,	"	"	D 980
Katie Davis,	"	"	D 953
Moses Riley, et al.,	"	"	D 258
Andrew Riley, et al.,	"	"	D 260
Jesse Riley, et al.,	"	"	D 261
Frank Riley, et al.,	"	"	D 262
Jerry Riley, et al.,	"	"	D 263
Fannie Scott, et al.,	"	"	D 266
Delilah Johnson, et al.,	"	"	D 267
Lottie Johnson, et al.,	"	"	D 268
Jane Riley,	"	"	D 600
Daniel Thompson,	"	"	D 606
Elick Ward, et al.,	"	"	D 623
Sandy Thompson,	"	"	D 693

Ruth Riley, et al.,	Cherokee	Freedmen	D 579
Hannah Riley,	"	"	D 569
Charles Landrum,	"	"	D 601
Nettie McIntosh,	"	"	D 903
William Riley,	"	"	D 603
Carrie Gibson,	"	"	D 704
Cora J. Wagoner, et al.,	"	"	D 570
Arthur Riley,	"	"	D 571
Elizabeth Melton, et al.,	"	"	D 441
Julius Curls,	"	"	D 269
Riley Curls, et al.,	"	"	D 270
Ophelia Thompson, et al.,	"	"	D 271.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles L. Lynch for, among others, his wife, Amy Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elmira Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Nettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Peeson, and minor children, Jessie Willard, Clifford and Maucelia (Marcolia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnet. for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann, by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Lyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Hattie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Willie Johnson; by Anna Butler for herself and minor child, Esther Green; by Anna Butler for her adult brother, Howard Bushyhead; by [illegible] Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, [illegible]ial Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 28, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself, by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and [illegible] Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of [illegible] Odine Riley, child of the applicant, Ruth Riley; by [illegible] for herself; by Charles Landrum for himself; by Pettie [illegible] for herself; by William Riley for himself; by Carrie [illegible] herself; by Cora J. Wagoner for herself; thereafter, on [illegible] 3, 1901, there was filed with the Commission an affidavit [illegible] the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself; by [illegible]beth Melton for herself and minor child, Elnora Melton; by [illegible] Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

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affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March , 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 360; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 3394-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purtle C.F.D 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4386, 5020-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 185; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4730-04); in the consolidated case of Katie Thornton et al., C.F.D. 576 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 613, (R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Serena and Pearl Milton, Maud Riley, Rosa Vann, and William Townsend are children of the applicant Phoebe Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elnora Vann is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (Said William Riley's rights to enrollment are considered below, C. F. D. 303), was born since 1880, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Vann, and one Emma Purtle, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 254 and 265 the Commission found that the said Jesse Vann and Emma Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 2412-3594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Mattie and Joseph Hicks; that the applicants Mattie Hicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford and Faucelia (Marcelia) Holt, Mary Johnson, Ruth Wann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Eliza and Tyndle E. Hawkins, Joseph, Otto A., Katie and James V. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Luford, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Pettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4752-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 6966-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Nettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 19, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully contradicted and repeatedly impeached, it is considered by this office, that, after hearing the testimony of numerous witnesses, interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNairRRiley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1863, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 498-D 664 and D 863). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Bettie McIntosh, and that the said two last named applicants were born in 1864 and 1862, respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 213 (R 282), and D 607 (R 283), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5843, 11776-04), under the provisions of the Act of Congress approved June 26, 1898 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Hold, Clifford Holt and Maucelie (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Willie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle C. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this: Oct. 13, 1905.

COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al.	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	638
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70
Elmera Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.,	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	636
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	355
Eliza Hawkins et al.,	Cherokee Freedmen	D	358
Joseph Hicks et al.	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson	Cherokee Freedmen	D	864
Ruth Vann et al.	Cherokee Freedmen	D	866
Frank Johnson et al.	Cherokee Freedmen	D	875
Frances Johnson et al.	Cherokee Freedmen	D	876.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy,

Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Lucella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1906 (I.T.D. 17884-1905), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should

be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 9 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1906; Katie Ridge, D 295; Cornelius Ridge et al. D 586; Phoebe Johnson et al. D 589; Henry C. Ridge D 638; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D 594; William Townsend D 636; Leroy Hicks et al. D 355; Eliza Hawkins et al. D 358; Joseph Hicks et al. D 360; Katie Hicks D 361; and James A. Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their right to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks , neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelias Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. F. D. 660 the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 27, 1904-I.T.D. 3470-1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks,(Their father, Dennis Hicks, case D 350 infra.) Eliza and Tyndle E. Hawkins, Joseph, Otto A. , Katie and James A. Hicks, were born since 1866 and possess no right to enrollment as Cherokee freedmen except

as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee Eddie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Bettie Hicks; that the applicants Bettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906; that the applicants Jane Holt, Laura and Ella Beason, Jessie, Willard, Clifford, and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank Johnson (In C. F. D. 853 the Commission to the Five Civilized Tribes found, on April 22, 1908, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 25, 1906-I.T .D. 7712-8846-1906), and Frances, Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Bettie Hicks and Joshua Holt, and of Anderson Johnson, deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904(I.T.D. 7192-7993-1904). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Weleeme (I.T. D. 6848-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin , Eddie Martin, Stella Martin, Cornelias

Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Mancelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(SIGNED) Tams Bixby
Commissioner

Dated at Muskogee, Indian Territory,
this FEB 25 1907

D 360

FILED
JUN 17 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Joseph Hicks et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of May 20th, 1901.

Mellette Smith

Attorney for Applicants.

Cherokee F. #D360

Cherokee Freedmen
D-360

Muskogee, Indian Territory, October 13, 1905.

Joseph Hicks,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for the enrollment of yourself and minor child, Otto A. Hicks as Cherokee freedmen, and your wife, Susie Hicks, as a citizen by intermarriage of the Cherokee Nation. There has heretofore been furnsihed your attorney Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior, for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Commissioner.

Incl B-92
Register

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Mollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 536, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman,

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Commissioner

Through the

Commissioner of Indian Affairs.

Incl. P 16.
LMB

Cherokee Freedmen

D-29[illegible], et al.

Muskogee, Indian Territory, October 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby,

Commissioner.

Incl. S-223

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October [illegible], [illegible].

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith [illegible] a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 19[illegible]5, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. S-222

Register

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JFA
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

83807-91559-1905.
91821-91843-1905.
91492-101897-1905.

December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor chrildren, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elnora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend forhimself; by Mollie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delana, Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor step-children, Laura and Ella Reesen and minor children, Jessie, Willard, Clifford, and Mamselia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Liella Johnson; by Eliza Hawkins for herself and her minor child, Tyndle R. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mable, Elnora, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and her minor children, CharlesWesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and her minor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elmora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Marshal, Harvey, and Clyde Thompson.

October 13, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Bettie and Joseph Hicks; that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Millie McNair, deceased; that the said Riley, Maria, and Millie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lettie Johnson, and Jane Riley, Daniel Thompson, Elick andAmanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from C. F. Fogle enclosing motions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner

WRK
C

JEJr

DEPARTMENT OF THE INTERIOR, LLB

Washington.

D.C.29336.

I.T.D.17884-1905. July 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedmen
D 296 et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedmen enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 356	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 664	Mary Johnson,
D 666	Ruth Vann, et al,
D 675	Frank Johnson, et al,
D 358	Eliza Hankins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 988	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 355	Dennis Hicks, et al,
D 448	Sallie Miller,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 876	Frances Johnson, et al,
D 983	Katie Davis;

that Louis T. Brown is the attorney in the following cases;

D 644	Mary Johnson,
D 866	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead;

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

W.A.

Encl. 6-1.

Commissioner.

Cherokee Freedmen
D 295 et al. Muskogee, Indian Territory, August 6, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 876	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 960	Howard Bushyhead,
D 953	Katie Davis.

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Encl. M.A.4-1.

Commissioner.

Cherokee Freedman
D 360

Muskogee, Indian Territory, August 6, 1906.

Joseph Hicks, [illegible],

Vinita, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your applications, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated,

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bishyhead,
D 953	Katie Davis.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Register.

Commissioner.

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Marcelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedman, together with the decision of the Commissioner, dated February 28, 1907, rejecting said application.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedmen, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D.7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Enc I-36

RPI

Cherokee 360

COPY

Muskogee, Indian Territory, February 28, 1907.

Joseph Hicks,
Vinita, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others, the application for the enrollment of yourself and son, as Cherokee freedmen, and wife as a citizen by intermarriage of the Cherokee Nation. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Register
Enc I-50 KPI

Cherokee F.D.
293 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application fot the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-37

Commissioner.

RPI

Cherokee F.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissionerto the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-35 Commissioner.

RPI

(C O P Y)

D.C.13398-1907. J.F.Jr.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.2072-1907. March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 26, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3307. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman." You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmenship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,

Acting Secretary.

1 inc. and
2 to Ind. Of.

(C O P Y)

--Copy--

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
21941-1907

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delsma Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Mawselia (Marselia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Bettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of February 28, 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 22, 1904 (I.T.D. 7724-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. 3907.

Mr. Bixby now reports that Laura Daniels was born since 1866 and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-RH

Cherokee F.
D-360

COPY

Muskogee, Indian Territory, March 15, 1907.

Joseph Hicks,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, the application for the enrollment of yourself, wife and child as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED Tams Bixby,

JMH

Commissioner.

Cherokee F.
D-895 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED

Commissioner.

Encl.M-5
JMM

Cherokee F.
D-298 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED T. [illegible]

Encl.H-6
JMH

Commissioner.

3360

Fudman

6

IN RE

Application for Enrollment of

INFANT CHILD

Otto A. Hicks

as a citizen of

Cherokee Nation

Approved May 28 1901

C. R. Breckinridge.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 28 1901

Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Otto A. Hicks (Here insert name of child.), born on the 24 day of April, 1899

Name of Father: Joseph Hicks a citizen of the Cherokee Nation.

Name of Mother: Susie Hicks a citizen of the U. S. Nation.

Postoffice Vinita I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Susie Hicks, on oath state that I am 26 years of age and a citizen by marriage, of the Cherokee Nation; that I am the lawful wife of Joseph Hicks, who is a citizen, by adoption, of the Cherokee Nation; that a male (Male or Female.) child was born to me on 24 day of April, 1899 that said child has been named Otto A. Hicks, and is now living.

Susie Hicks

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24 day of April, 1901.

My commission expires March 17, 1904. Louie T. Brown Seal Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Bettie Beck, a midwife, on oath state that I attended on Mrs. Susie Hicks, wife of Joseph Hicks on the 24 day of April, 1899; that there was born to her on said date a male (Male or Female.) child; that said child is now living and is said to have been named Otto A. Hicks

her
Bettie X Beck
mark

WITNESSES TO MARK:

Ella J. Hill

B. J.J. 360

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 20 1901

Acting Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 20, 1901

Post Office Vinita, I.T.

District Coowescoowee

1. Name Joseph Hicks Age 28

Owner's name Citizenship

Year R. C. Page 119 No. 2972 District

Parents:

Father Dennis Hicks - dec'd Citizenship

Mother Mary - dead Citizenship

2. Name of wife Susie Hicks Age 26

Owners name Citizenship

Year — Page — No. — District —

Parents:

Father Doubtful Citizenship

Mother Citizenship

MAY 20 1901

Names of Children:

3. Otta A. Hicks Year — Page — No. — Dist. — 2

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Self Stenographer M. O. Green

Doubtful roll as Joe Hicks
in Wallace roll, Page 118 *2486 - dead
3 affidavit of birth required.

Ref. D 355

Mellette & Smith, Atty's. for applicants.

JW 360

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Joseph Hicks,
Vinita, I. T.
Cherokee F-D-360.
Register.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Joseph Hicks for enrollment as a Cherokee Freedman.

No. F. D. 360

Henry Pack, of lawful age, being duly sworn on oath states that on the 13th day of Sept A. D., 1901, he registered to Joseph Hicks whose postoffice is Orville Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson, I. T. Indian Territory; and that on the 17 day of Sept, 1901, he received the return card which is hereto attached, signed by the said Joseph Hicks, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 17 day of Sept A. D. 1901.

J C Clark
Notary Public.

X. F.D.360

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this..... day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to.....

.....

on the.....day of A.D.1901

.....

Subscribed and sworn to before me this.....day of.....A.D.1901.

.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 17 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Jos. Hicks for enrollment as a Cherokee Freedman:

Case No. F. D. 360

To Jos. Hicks Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on the following dates, to-wit: Oct. 7th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of , 1901.

L B Bell
M. W. Hastings
J. D. Davenport
Attorneys for the Cherokee Nation.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

2nd notice

MUSKOGEE, IND. T. MAR 7 REG. DIV.

PENALTY FOR PRIVATE USE

5246

679
726

Joseph Hicks,

Vinita, Indian Territory.

REG.
VINTA
JAN 1907

Cher. Fr. R. 871

Trans. from C. Fr. D. 361

Cher. Fr. R. 871

File with CED 361 Katie Hicks

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 13, 1901.

In the matter of the application of Dennis Hicks for the enrollment of himself, his wife, and five children as Cherokee Freedmen.

Dennis Hicks, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dennis Hicks.
Q How old are you? A I am 52 years old the 15th of June.
Q What is your post-office? A Vinita.
Q In what district do you live? A Cooweescoowee; well I live in Saline, or Delaware it is; my home is in Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir, not unless you will accept my certificate; I am not a freedman.
Q You want to apply? A Yes, sir, I want to apply.
Q As a Freedman? A No, sir, intermarried.
Q You are an African are you? A Yes, sir.
Q Who is it you want to apply for besides yourself? A Five minor children.
Q And have you a wife you want to apply for? A She will apply for herself I guess.
Q We would rather the family would come together? A Well.
Q You apply for yourself, your wife and five minor children?
A Yes, sir, the wife of them children thoughis dead.
Q You apply foryourself as an intermarried man do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I havelived here since 1872.
Q How many times have you been married? A Twice.
Q Give me the name of your first wife? A Mary Ridge.
Q Is she dead? A Yes, sir.
Q What was she, a Cherokee Freedman? A Yes, sir.
Q When did you and her marry? A 1872.
Q How long has she been dead? A Been dead four years.
Q Did you and she live together until she died? A Yes, sir.
Q What was the name of her father? A Henry Ridge.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 18 years.
Q Give me the name of her mother? A Katie Ridge.
Q Is she dead? A No, sir.
Q Did you get out a Cherokee license when you married this woman?
A Later on I did; a preacher married me in the first place.
Q Have you that license? A Yes, sir.

Commissioner: The applicant presents a licen so issued by the Clerk of Cooweescoowee district, December 12, 1892, as well as it can be made out, authorizing marriage between himself and Mrs. Mary Hicks, nee Ridge. The certificate shows that they were united inmarriage on the 12 th day of December, 1892, by the Rev. A.W. Lewis, and it is endorsed as having been recorded on the 12 th day of December, 1892. This is filed here

Mr. Sidwenport, Cherokee attorney: The representatives of the Cherokee Nation present protest against the introduction of the marriage certificate, under §659, page 329, of the Compiled laws of the Cherokee Nation of 1892.

Commissioner: This protest will be considered in the final determination of the case.

Q Now give me the name of your second wife? A Her name is Nettie Holt.
Q Is she living now? A Yes, sir.
Q Was this first wife ever married except to you? A No, sir.
Q Was this first wife ever ---

Q How old is your present wife? A She is 56 years old.
Q When were you and she married? A About 2 years ago.
Q Have you a certificate of marriage? A I have at this Court down here, I haven't it with me, it is down at the house.
Q You claim that Bettie Holt is a Cherokee Freedman? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A I can't tell you how long, all her life though pretty near I suppose.
Q Give me the name of her father? A I don't know him, sir.
Q Give me the name of her mother? A Her name is Hester Hill.
Q Is she alive? A Yes, sir.
Q Was this wife ever married before she married you? A Why I think so, I don't know.
Q Give me the names of these children, begin with the oldest; these five children.
Q Commence at LeroyHicks.
Q How old is that child? A He is about 19 years old.
Q Whatis the next child? A Dennis Hicks, Jr.
Q How old is Dennis? A Dennis is about 17, going on 18 I believe he is.
Q Give me the name of the next child? A The next one is Delena Hicks.
Q How old is that child? A She is about, I think she is at 14 years old.
Q Give me the name of the next child? A Mabel Hicks.
Q How old is that child? A She is about 12.
Q The next child? A Elmer.
Q How old is that child? A Nine, going on 10.
Q Are these children all living now? A Yes, sir, all at home.
Q Are these children of your first wife? A Yes, sir.
Q Are you on any roll of the Cherokee Nation? A No myself, no sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant Dennis Hicks, nor Mary, his first wife, not identified on said roll.
The 1880 authenticated roll of Cherokee Freedmen examined and applicants not identified thereon.

Q Did your wife ever draw Cherokee strip money? A Yes sir.
Q Did you draw Cherokee strip money? A for these children? A Yes, sir; no, sir, they didn't give her this last money; the children did.

The Kerns-Clifton roll examined, and the applicants identified thereon as follows:
Dennis Hicks not on said rolls.
Mary Hicks not on said roll.
Leroy Hicks on page 120 No. 2976, Delaware District;
Dennis Hicks, Jr., on page 120, No. 2977, Delaware district; as Dennis Hicks.
Delana Hicks on page 120, No. 2978, Delaware District as Delaney Hicks.
Lakel Hicks on page 120 No. 2979, Delaware district.
Elmer Hicks on page 120, No. 2980, Delaware district.
The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Bettie Hicks not identified thereon.
The Kerns-Clifton roll examined, and the applicant Bettie Hicks identified thereon, page 163, No. 4058, Cooweescoowee district, as Bettie Holt.

Commissioner: What I would like particularly to know at this point is the status of the applicant's first wife, whereby hinges whatever claim he may have as an intermarried man and the claims of all these children.

Mr. Edgar Smith, attorney for applicant: That is what I want to clear up.

Mr.Smith: Who was your first wife? A Mary Ridge.

Q Who was her mother? A Katie Ridge.
Q Who washer father? A Henry Ridge.
Q Did she have any sisters or brothers? A Yes, sir.
Q Who were her sisters and brothers? A Cornelius Ridge, Phoebe Ridge, and Jesse Ridge, he is dead though.
Q Do you know Katie Ridge yourself? A Yes, sir.
Q How long have youknown her? A I knowed her first in time of the war.
Q Where does Kate Ridge live now? A She lives on the river.
Q What river? A Grand river.
Q How far from Vinita? A About 16, about 18 miles.
Q Has she been here during the sitting of the Commission at this place? A Yes, sir.
Q Do you know whether she made an application for the enrollment of herself or not? A Yes, sir.
Q How long did you and your wife live together here in the Cherokee Nation? A We lived together about 29 years in all; no, we lived together, been 29 years since we married; it is about 29 or 27 years.
Q Was thatup to the time of her death? A Yes, sir, up to the time she died.
Q Where did she die? A Here in Vinita; I don't know just exactly how many years.
Q You yourself don't know where your wife was during the war, or in 1866? A Why she was during the war at Springfield.
Q Do you know of your own personal knowledge when she came back? A They came back right after the war; they left the place where theywere and said they were coming to the Nation, that is all I know about it.
Q What place was that? A Springfield, out in the country about four miles from Springfield; we lived right on the same house; we lived in that house about a year together.
Q When was it they said that, when did they leave and tell you they were coming back? A The year after they brought corn in down here to citeon for the Indians, my father-in-law was hauling corn down here in Sikkam for them, and the next fall they moved, said they were coming to the Nation.
Commissioner: That was Sprinfield, Missouri? A Yes, sir.
Mr. Smith: Are you able to state what year that was in? A That was the year the war closed they hauled the corn in, and the next fall they moved.
Q And said they were coming to the Cherokee Nation? A Yes, sir; I didn't see them for a good while after that.
Q And when did you next see her? A When I came here in 1872, or I first met them again in Joplin, that is before I came down here, and I married down here in 1872.
Q Where did you marry? A Down here on Grand River.
Q Have you lived in the Cherokee Nation ever since that time? A No, sir, I haven't, I went backwards and forwards to Joplin, I took my family up there once, they were up there about two months, came to visit me; I was a blacksmith and I had to work out for a living.
Q And you were there about how long? A She was there about two months, I was there about six months.
Q Is there any one here who knows who your wife's mother was? A Yes, sir, everybody present.
Q Well we don't want all of them; who knows who your wife's mother was? A I can use Fred Martin and Mrs. Amy Bean.
Mr. J. S. Davenport, Cherokee Attorney: How long have you lived back and forth at Joplin? A I worked back and forth there about three or four yearsmyself; the most of the time she was away, all the time, and I wasn't there, I never was away from here but a few months at a time.
Q That was your place of business, of work? A Yes, sir, yes, sir,

there is where I worked.
Commissioner: What was your wife doing up at Joplin at that time?
A They lived up there a little while, they were living up there.
Q How far is Joplin from Springfield? A It is 75 or 80 miles.
Q How long had you been there when you met them at Joplin? A Ho, they were there when I went there, there was a great boom there and I went down there.
Q In what year was it you moved? A That was in '72.
Mr. Davenport: You say they were living there when you moved over there? A Yes, sir, they hadn't been there long though.
Q How long did they stay there after you met them? A They came right away that fall, I went down in the spring and they came away that fall.
Q How do you know that? A They said they hadn't, I don't know anything about it.
Q Mr. Smith: You stated I believe, when they left Springfield the first time they stated they were coming to the Cherokee Nation?
A Yes, sir.
Mr. Davenport: The next time you saw them after they left Springfield and said they were coming to the Cherokee Nation, was at Joplin, Missouri? A Yes, sir, that was a good while after they left Springfield.
Q They left Springfield and said they were coming to the Cherokee Nation, but the next time you saw them was in Joplin, Missouri, and in the same state of Missouri? A Yes, sir.

Amy Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your name? A Amy Bean.
Q How old are you? A 45.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Mr. Smith: Do you know Dennis Hicks, the applicant in this case?
A Yes, sir.
Q How long have you known him? A Well, I really don't know, I guess about 27 or 8 years ago I first got acquainted with him.
Q Did you know his first wife? A Yes, sir.
Q What was her name? A Mary Hicks.
Q What was her name before she married him? A Ridge.
Q Who was her mother? A Kate Ridge.
Q Where does Kate Ridge live now? A She lives on yonder side of Grand river.
Q What post office? A Spavinaw I think that is her post office name.
Q Do you know whether she is the same Kate Ridge who applied here the other day for enrollment? A Yes, sir, she is the same one applied up at the other table.
Mr. Smith: I will just ask to have the copies of the testimony on the Ridge case filed with this case.

Fred Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Fred Martin.
Q How old are you? A 43.
Q What is your post-office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Dennis Hicks, the applicant here? A I do.
Q Did you know his wife, his present wife? A Yes, sir.
Q What is her name? A Bettie Hicks; it was Bettie Felt before he married her.
Q How long has he been married to her? A I don't know just exactly how long he has been married, something over 2 years.
Q Do you know them as husband and wife? A Yes, sir.
Q They are living together in that way, are they? A Yes, sir.

Q They are recognized in the community as husband and wife?
A Yes, sir.
Q How long have you known her? A Well, I don't know, I have known her a long time.
Q Was she ever married before she married this man? A I don't know.
Q Has she any children? A She has one to my personal knowledge.
Q But you don't know whether she has ever been married or not?
A No, sir I don't know whether she has ever married.
Q Have you ever known her to live with another man as husband and wife? A No, sir, except Dennis.

Dennis Hicks, recalled, testified:

Mr. Smith: Dennis, your present wife claims to be entitled to be enrolled upon the freedman roll in her own right? A Yes, sir.
Q What proof does she depend upon in her case? Is that proof present this evening or not? A I don't know that it i , I think they are out west somewhere.
Q She will have to get that proof and make it in addition to the proof in your case, and it will all be one case then.

Commissioner: The applicant applies for the enrollment of himself, his wife and five minor children. The applicant is shown by the marriage license and certificate filed herewith to have been married in accordance with the Cherokee laws to his first wife, now deceased, one Mary Ridge, in 1892, they having previously beenmarried according to the testimony under United States law. The applicant is a colored man and he claims as a Cherokee Freedman by intermarriage. He states that neither he or his first wife were ever previously married. He is not upon any roll, and his first wife is not upon the roll of 1880 or upon that of 1896, or upon the Kerns-Clifton roll.
Q How old was your wife, Mary Ridge, when she died? A She was about 42.
The Wallace roll examined, and Mary Hicks identified thereon, page 118, No. 2485, Coweescoowee district.
She is identified on the Wallace roll. Reference is made to the testimony as to her status, and also to the case of her mother, Nettie Ridge, Cherokee Freedman Doubtful card D 295 and the applicant will now be listed on a doubtful card as a Cherokee Freedman by intermarriage.
His present wife, for whom he makes application, Bettie Hicks, is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or 1896. But little testimony has so far been taken in her case, and to await further identification of the status of this woman, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's marriage to his second wife will also enter into his own right as far as he may possess a right by intermarriage, and it has been established by satisfactory testimony, but it is not entirely clear whether she was previously married or not, so far as it may effect his rights.

As for the five children named in the testimony, they are all five identified on the Kerns-Clifton roll. These are the applicant's children by his first wife, Mary Ridge. They are living and to await the determination of her status, and for the further consideration of their case, they will now be listed for enrollment as Cherokee Freedmen, a doubtful card. The final decision of the Commission will be made known to the applicant at his post office address.

Mr. Smith: Do you know whether your present wife was ever married before she married you? A I don't know, sir.

-------O-------

Bruce C. Jones, being duly sworn, says that as stenographer to the

Dennis Hicks C

Commission to the Five Civilized Tribes He correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce T. Jones.

Sworn to and subscribed before me this the 20th of May, 1901.

(signed) C.R. Breckinridge,
Commissioner.

* * * * * *

SUPPLEMENTAL as to Hettie Hicks, D 356.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11, 1901.

In the matter of the enrollment of Hettie Hicks as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith for applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Hettie Hicks.
Q How old are you? A Going on 38.
Q What is your post-office address? A Vinita.
Q What district do you live in? A I live in two districts, Coowescoowee and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Mamma was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q She married? A Yes sir.
Q She can apply for herself, have you any minor children you desire to apply for? A No sir.
Q Have you any witnesses here? A Yes sir.
MR. SMITH:
Q Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes sir.
Q Is she the same Easter Holt who applied here yesterday? A Yes sir.
Q Have you any brothers and sisters? A Yes sir, Sallie Miller, Josh Holt, Tecumseh Holt, Moses Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Where were you at the time the Civil War commenced? A At Webbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes sir.
Q Did you go out of the Cherokee Nation? A Yes sir.
Q Where did you go? A Fort Scott.
Q When did you return to the Cherokee Nation first after the war? A June, '66.
Q Where did you go to? A Ft. Gibson.
Q How long did you stay about Ft. Gibson at that time? A I were there something over a year.
Q About how old were you at that time, in June, '66? A I don't know just how old.
Q Well were you grown? A Yes, sir, young woman.
Q You were not married? A No sir.

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Q When did you marry first? A I didn't marry.
Q You are married now? A Yes sir.
Q How long have you been married? A Three years, September.
Q Up to the time you married three years ago, what occupation did you have, what was your business? A Just worked around.
Q What kind of work did you do? A Any kind of work, worked in hotel most of the time, Chamber work.
Q You were a Chambermaid? A Yes sir.
Q How long have you lived at Vinita? A I have lived in Vinita off and on since '79, up until '82, I left there, and then I went away and come back 12 years ago.
Q After youcame back to Ft. Gibson, in '66 I believe you stated that you remained there about a year? A Yes sir.
Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to Big Creek where my mother was.
Q Where is Big Creek? A Up here. (Indicating.)
Q What nation is it in? A Cherokee Nation.
Q Do you know of your own knowledge when your mother and brothers, Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.
Q Left them where? A Ft. Scott.
Q What was your uncle's name? A Andy Daugherty.
Q You don't know actually when they reached the Cherokee Nation yourself? A No sir, but time I left them they were fixing to go away and I went to Ft. Gibson.
Q You didn't come back with them? A No sir, they went with my uncle, and I went to Ft. Gibson, because my sister was down there.
Q What was your sister's name? A Sallie Miller, is her name now.
BY MR. DAVENPORT:
Q You went with your sister? A No sir, my sister went first to Ft. Gibson.
Q How long after your sister went to Ft Gibson was it before you went? A Not very long.
Q Year or such a matter? A No sir.
Q You went to Ft. Gibson and stayed awhile, and then you went back to Ft. Scott? A Yes sir.
Q How long did you stay at Ft. Scott; when you went the next time?
Q Couple of months, probably longer.
Q When you left Ft. Scott that time where did you go? A I went over to Big Creek.
Q To what point on Big Creek did you go? A Where my Uncle Andy lived.
Q Where was your mother at that time? A At Uncle Andy's.
Q In what country? A Cherokee Nation.
Q What part of the Cherokee Nation? A On Big Creek there.
Q Was she near what is known as the Fall leaf place was? A Close to there somewhere.
Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.
Q You have never heard of that name? A Yes sir, but I didn't know anything about him.
Q When you left Big Creek where did you go? A I come down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency, in the Creek Nation.
Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee
Q How long did you stay at Parsons? A Two years.
Q Parsons, Kansas? A Yes sir.
Q Then where did you go? A To Muskogee.
Q How long did you stay in Muskogee that time? A About five years.
Q After you stayed in Muskogee five years where did you go? A To Vinita.

Q That was the time you speakof being in Vinita in '79? A Yessir
Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Eureka Springs, I was sick, and came back in 1880 and worked for Henry Siffert.
Q You have been out since that time? A On a visit.
Q You have never been anywhere since 1880? A Just when I would go out to work.
Q How long have you worked out in seasons since that time? A I dont know.
Q You have been out several years, you worked at different places?
A Yes sir, just little while at a time.
Q What places have you worked since that time, in the states?
A I haven't worked anywhere.
Q You haven't been anywhere since 1880? A Yes sir, I was out, I left here about '82.
Q Where did you go then? A I don't know where I did go.
Q When did you come back to Vinita after you left there in 1880?
A In '85 I think.
Q And have beenliving there since that time? A Yes sir, right there, sisr.
Q You don't know anything about when your mother came back to the country do you, as to what year it was? A No sir, I don't.
Q You know your sister Sallie came back before you did? A Yes sir.
Q You don't know when your brothers came? A They was withmy mother three little brothers.

BY COM'R NEEDLES:

Q When were you married? A It will be three years in September:
Q That your first time? A Yes sir.
Q When you were going out, in your teestimony to Mr. Davenport, going out in the states working, were you a single woman? A Yes sir.
Q Your mother have a home at that time in the Territory? A Living with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be on the 1880 roll, but if can't be found.
Q On any other roll? A O. the Chifton roll.
Q What was your name before it was Hicks? A Holt.
Q What is your mother's name? A Ester Holt.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q Yousay you have grand children? A Yes sir.
Q I thought you said you were never married to anybodybut Mr. Hicks, four or five years ago? A It will be three years in September. I have one daughter.
Q Has your daughter applied to be enrolled? A No sir, not yet.
Q She has got a child? A She has four children.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 20,1901.

(signed)T.D.Needles,
Commissioner.

REMAINDER OF THIS CASE TAKEN BY STENOGRAPHER, J.O.ROSSON.

Supl F D #385 Cont'd 1.

June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of BETTIE HICKS.
Former portion reported by Stenographer M.D.Green.

APPEARANCES:

Messrs. Smith and Mellette, for applicant;
Mr. Davenport, for Cherokee Nation.

POLLY NIVENS, being sworn by Commissioner T. B. Needles testified as follows: EXAMINATION BY MR. SMITH, of Counsel for applicant:

Q State your name? A Polly Nivens.
Q Where do you live? A Fort Gibson.
Q How long have you lived there? A All my life.
Q Do you know Bettie Hicks this applicant? A Yes, sir.
Q How long have you known her? A I knowe her just a while before the war.
Q Was she a slave? A Yes, sir.
Q Whom did she belong to? A Old Lady Holt I suppose.
Q Was Mrs. Holt a Cherokee? A Yes, sir.
Q Where did she live before the war? A She lived at Webbers Falls on this side of the river.
Q Where was this applicant, Bettie Hicks, at the time the war commenced, do you know? A I don't know, sir.
Q How long before the war had you seen her there at Holt's
A It was a good little while before the war; when the steam boats was running she was coming up to my Mistress' on a visit.
Q Do you know how long that was before the war? A No, sir, I dont
Q When did you see this applicant, Bettie, in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
Q When was that? A That was when the Refugees was drawing; I was in there cooking for the refugees, cook for the Commissary clerk
Q What were the Refugees doing? A They was issuing rations and the Clerk was issuing rations to them and I was cook for him.
Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
Q Had you been out or remain in the Nation? A I remained in the Nation; I just went out on Pyiar Town and come back before peace was made.
Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and Freed an too.
Q Are you a recognized citizen? A Yes, sir.
Q On the 1880 roll? A Yes, sir, always has been.
Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it wasjust after peace was made and they ordered them all to come in.
Q When you saw her? A Yes, sir.
Q How long did they issue these rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and begin; I could not tell how long I cooked about two years right along there.
Q Right soon after peace was declared? A Yes, sir, right after peace was declared.

BY MR. DAVENPORT:

Q Was she a grown young woman then? A Yes, sir.
Q Now, you saw her owner one time before the war when her Mistress come up to your Mistress' house? A Yes sir.
Q What was she doing up there? A She was waiting on her.
Q How many girls would she usually carry with her? A She sometimes would have one.
Q How many waiters did she have up there? A One.
Q Didn't you testify in the Sallie Miller case yesterday?
A Yes, sir.
Q Now when you testified in that case yesterday, didn't you testify that Sallie Miller was with Mrs. Holt when she visited your mistress at Fort Gibson as the waiting girl for Mrs. Holt? A Yes, sir that is right.

BY MR. SMITH:

Q Did Mrs. Holt; what do you mean by that, now you saw Mrs. Holt brought Sallie up there? S ometimes bring Sallie andsometimes bring Bettie.
Q Did she make more than one visit? A Yes, sir, she visited more than once.

Q Well when you spoke of Mrs. Holt having brought Sallie up there as her waiting girl was that the same trip you are talking about now? A No, sir; they come up several times, come on the steam boat named pilot.

BY MR. DAVENPORT:

Q They came quite often to visit Mrs. Nivens? A Several times, we went down there several times.

Q She carried you with her? A No, sir, not every time.

Q Then you have been down there and seen her? A Yes, sir; I have been to Mrs. Holt's that is right.

Q And Holt's lived in Flint District didn't they? A The Holts I am talking about lived at the Falls.

Q You don't know whether theyhad ever lived up in Flint district? A No, sir.

HARRY STILL, being sworn and examined testified as follows

BY MR. SMITH:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q How old are you? A 54.

Q Do you know this applicant, Bettie Hicks? A Yes, sir.

Q Did you know her before the war? A Yes, sir.

Q Do you know whom she belonged to? A Belonged to Bill Holt.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q When did you first see this applicant, Bettie Hicks, in the Cherokee Nation after the war? A About '70 I believe.

Q Where was that? A Vinita.

Q Have you known her, or rather have you known anything of her whereabouts since that time? A Yes, sir.

Q Have you seenher often or a few times? A Often from the time I come to Vinita.

BY MR. DAVENPORT:

Q Where was Bill Holt living when you knew this woman athis place?

Q His home was, Bill Holt, was down here on the Arkansas, where I saw this woman.

Q What part of the Arkansas? A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Canadian District, I reckon.

Q Near what point that you can name? A It was not far from the old ranch there.

Q I don't know where the Whitmire Ranch was? A It was on the Arkansas river there, I know I saw Bettie distinctly.

Q On what side of the Arkansas did you see this Bettie as a slave of Bill Holt? A I don't know which side; I think it was on the other side.

Q You were there at his place wasn't you? A No, sir, he was at our place.

Q Did he have all his darkies down there? A He didn't have all of them, I saw Bettie.

Q Where was Bettie when you saw her? A I don't know.

Q How old was she when the war broke out? A She was grown woman.

Q Grown woman? A Looked like to me.

Q And you don't know where it was you saw her? A I don't know, I know distinctly I saw her when I went to Kansas.

Q How many sisters had Bettie? A She had Sallie.

Q Whichis the older Sallie or Bettie? A I don't know, I think Sallie is the oldest.

Q And you don't know which side of the river Bill Holt's place was on? A No, sir.

Q Which side of the river was Whitmire's ranch ? A On the North side.

Q And Vian Creek? A On this side I reckon.

Q And on which side of the river was Bill Whitmire's ranch on?

A On the East side, towards Fort Smith.

COM'R NEEDLE: In this action the attorney for the applicant prays that the testimony taken in the case of the ap-

Supl ED#355 Cont'd, 3 (6)

plication of Joshua Holt for enrollment as a Cherokee Freedman be made a part of the record in the case at bar; said Joshua Holt having been listed for enrollment on Doubtful card #644, and a copy of said testimony will be filed with the testimony taken in the case of the applicant.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 24th day of June, 1901.

(signed)T B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 7th, 1901.

Commissioner.

To be filed with case of

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Joshua Holt.
Q How old are you? A 52.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q She can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Maucelia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q Whatwas your wife's father's name? A Anderson Johnson.
Q Was he a Cherokeefreedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the CherokeeNation examined and applicants identified thereon as follows:
Page 147, #3639, Josh Holt, Cooweescoowee district;
page 147, #3640, Laura Holt, Cooweescoowee district;
page 144, #3575, Jane Holt, Cooweescoowee district;
page 147, #3641, Ella Holt, Cooweescoowee district;
page 147, #3642, Jessie Holt, Cooweescoowee district;
page 147, #3643, William Holt, Cooweescoowee district.

Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."
page 117, #2477, Jane Holt, "Fort Scott, Kansas."
page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Esther Holt.
Q How old are you? A Along about 85.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.

APPLICANT recalled, and further examined: By Mr. Smith:

Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Edna, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Edna Kansas.
Q You think it is nearer what is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again
Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1899.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to '99? A Yes, sir.
Q Do you mean '99, three years ago? A 1889.
Q Then you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maucelia? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q Was your mother a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellis Holt.
Q The same persons you have mentioned i n your own testimonyL
A Yes, sir.
Q Where was your mother when the Civil War commenced?
A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did?
A She went out at the same time I did.

EXAMINED BY COM'R NEEDLES:

Q Do you live i n Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes,sir.
Q You testified that you married her in 1889? A 1889.
Q Your oldest child is 19 years of age, you have given, Laura?
A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anythint about their being your step-children?
A I think I did, I am not certain.
Q What was your wife's maiden name? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Anderson Johnson.
Q Who was her mother? A Dinah Johnson.
Q Where did you marry her? A Cooweescoowee district, Big Creek.
Q Who marriedyou? A Peter Meigs.
Q Does she claim to be a Cherokeefreedman? A Yes, sir.
Q Freed woman? A Yes, sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes,sir.
Q By what name? A In 1896?
Q Yes, sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.
Q But you came from Ft. Scott down to Vinita? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.
Q But your wife was with you? A Yes, sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named W. H. Robinson.
Q He was living there was he? A Yes, sir.
Q Colored man? A No, sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?
A 1890 I believe it was '88 or 9.

Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.
Q You don't know how long you had been up there? A Not exactly.
Q About how many years? A I tell you I don't know.
Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
Q Yes? A Why certainly not.
Q Then you deny positively that you were there more than two years? A Yes, sir, I do, at a time.
Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
Q Have you been living in Vinita since 1889? A Yes, sir.
Q All the time? A Except when I was out working.
Q Where were you out working? A I were but at Lawrence, working and I was at Pabla and I was at Weir City, Kansas, working.
Q Where else were you working? A I worked there at Chetopa.
Q Working in Ft. Scott? A Since '89?
Q Yes? A I don't think I have.
Q How much of this time since 1889? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
Q How many years? A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out aI tell you
Q I want to know how much time you have been working out?
A I could not tell you that, because I don't know, but altogether wouldn't make a year.
Q Where was your wife at that time, in Vinita all this time?
A She was in Vinita.
Q She never went out with you when you worked out? A Not since 1889 she hasn't.
Q Where was this next child Willard born? A In Vinita.
Q Where was the next, Clifford? A In Vinita.
Q Where was Manselia born? A Vinita.
Q All four of these children were born in Vinita were they?
A Yes, sir.
Q Who did you come down to the Cherokee Nation with after the war?
A Andy Daugherty.
Q Didn't Andy Daugherty have a place down therw when you came?
A Yes, sir.
Q He had a house up? A Yes, sir.
Q He had a patch of corn in? A Had a little corn in.
Q When you came? A Yes, sir.
Q Who else had a house down there when you come? A I rhink Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Duffin? A I think so, I am not certain.
Q Was Uncle Peter Ward living down there then? A I don't know.
Q Was Reuben and Tuck Sanders? A Yes, sir.
Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn?
A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did
Q What time did you come there? A In August.
Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
Q She came down with you did she? A When she first came from Kansas? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down t o Ft. Scott? A Yes, sir, and worked a year and come back again.
Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there? A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was with her up there, in '64 and 5.
Q After that time were you with her? A I was with her at the Daugherty's when she was the re.
Q --ere you with your mother in '66 in Kansas? A I would see her up there when I was working up there ans she were working up there.
Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
Q What year was that? A I can't tell you.
Q Did you see her in '66? A We come down here in '66.
Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
Q Did you see her in Ft. Scott, Kansas, in the year '67?
A No, sir,
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68
Q And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh A I think he was living up there.
Q You never made a home in Kansas? A No, sir.
Q Never had one? A Yes, sir, I built one about two years ago.
Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I had it a home two years ago.
Q You never had a separate house there on Big Creek? A No, sir.
Q I want to know where you lived from '66 to '89? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Vinita.
Q Where was your mother then? A She was at Daugherty's.
Q How much of this time has she lived at Daugherty's? A I don't know.
Q You know Jim Foreman A I do.
Q Did you ever know him in Ft. Scott? A I did.
Q Did you know him there in '68? A I know him there in '64 and 5.
Q Do you know Simon McKinsey? A I did.
Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
Q When did you know him? A '64 and 5.
Q Did you know him about '66? A I saw him after '66.
Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
Q Did you see him during the year of '66, '67, '68 or '9?
A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68? A No, sir.

Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State white woman? A Yes, sir.
Q When? A Married in 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
By Com'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been married before she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes, sir.
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that? A No, sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Linn County, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house? A I was at the house.
Q Did she take household furniture with her? A Didn't take anything; but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew living? A He is dead.
By Mr. Harlinger: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?
Mr. Harlinger: I want to enter an objection to that; you can tell where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
Q Where? A Vinita.
Q What kind of work did you morher do? A She was washing out and sometimes cooking.
Q Did you have sisters? A Yes, sir.
Q What were your sister's names? A Sallie and Bettie.
Q What is Bettie's name now? A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.
Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarah came back? A No, sir.
Q You know whether they were slaves before the war? A Yes, sir.
Q Who did they belong to? A Bill and Nellie Holt, same man I did.
By Com'r Needles: You say you were living on Big Creek? A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer? A No, sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and came back there for my home.
Q How long did you live there? A I pulled out from there in '85.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer A Yes, sir.
Q You didn't pretend to farm yourself? A No, sir.
By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
Q And your mother? A Yes, sir.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself? A Yes, sir.
Q You never lived in separate houses? A No, sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Since you came there? A Since I have been in Vinita, yes sir.
Q Hadn't she ever been married before ? A No, sir, not to my knowing.
Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.
Q Your sister older than ybu? A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No, sir.
Q She didn't live with you there in '67, 8 and 9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee Named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee ? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas?
A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forget whetheryou stated your wife's father and mither were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you marriedher or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Needles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.
Q Who married you? A Peter Meigs.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camps who saw you married? A The family was there; her two sistes were there, and I was to have them here, but they went to Fort Gibson.
Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.
Q You know whether she lived with this man as husband and wife by whom she had the se two children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
Q You lived at Webbers Falls when the war come up? A Yes, sir.
Q You went out north? A Yes, sir.
Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken us out.
Q Were you living with Will and Nellie Holt at Webbers Falls?
A Yes, sir.
Q Did they have children? A Yes, sir.
Q What were their names? A Tempy Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER re-called, and further examined,
By Mr. Hastings: Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wife? A Yes, sir, he has got a wife.
Q What is her name aunty? A Name Sarah Holt.
Q Got some children? A Got one.
Q How old is it? A I don't know.
Q About how old is it a child grown? A Yes, sir, it is grown.
Q Is the child married? A No.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
Q You were present when he married? A No, sir, I think he married in Oswego.
Q You wasn't there? A No, sir.
Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
A Yes, sir, when I did come down there.
Q Now aunty, when did you come down there, how many years ago?
A My brother went up there and brought me down with three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
Q And you come did you? A Yes, sir, I come in his wagon.
Q Did he have a house here at that time? A Yes, sir.
Q He had a little field? A Yes sir, small field.
Q What was your brother's name? A Andy Daugherty.
Q There was other people living around in the neighborhood were t here? A Yes. sir.
Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I don't remember.
Q Warm weather or cold? A I don't know whether it was warm or cold.
Q How long had your brother been living down here when you came?
A I don't know, he was living down here and had his house built when he brought me down.
Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
Q How long did you stay down here with your brother at that time?
A When he brought me down?
A Yes? A I stayed a year or two, I don't know.
Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.
Q How long was it until you come down to visit your brother again? Did you ever see him any more? A After I went up there?
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
Q You never had any home down here. A No, I made my home with him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
Q Never had no children by any other woman. A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spend pretty near all your days haven't you santy up to the Wallace court? A No, sir.
Q Did you work any down here beofre the Wallace Court? A No, sir, I haven't worked before the Wallace court, I have never been able broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no work here to do.
Q I say about all the work you done was in Kansas? A No, not all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go.
By Mr. Smith: How old are you Aunt Esther? A About 85, that's the age they give me; I don't know my age; I was 16 years old the time the stars fell and the Commissioners have been trying to get my age from that, I don't know.
Com'r Meriles: That was '32 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Holts and Nellie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers falls.
A How many children had you at the time the war commenced, besides Joshua? A Sallie and Betsy and Mosie and Joshua.
Q And who do you live with now A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bettie married now? A Yes, sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie noted? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you have born slaves? A Yes, sir
Q Who did they belong to? A William Holts.
Q Same person you belonged to? A Yes, sir.
Q What was it you said about your brother coming after you up in Kansas, and about a treaty? A He went up there to buy proud siens everything in this nation was sound at that time; he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.
Q And you? A Yes, sir. brought four.
By Mr. Hastings: Bring your daughter Sallie? A No, sir, she was down here long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhores.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Esther Holt your mother? A Yes, sir.
Q She is the witness that's on the stand here now? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes, sir.
Q She went to Kansas didn't she? A Yes, sir.
Q When did she return? A '66.
Q Returned with you? A Yes, sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.
Q She never got back to Kansas afterwards? A Yes, sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.
Q Did she have a home in this Nation? A No, sir.
Q Who was she living with? A Wither bmother up on Big creek except when she was working out.
Q Was she married then? A No, sir.
Q Her husband wasn't living then? A No, sir.
BY MR. HASTINGS: How long has Recumseh been living in Vinita?
A I don't know how long he has been living in Vini ta.
Q Well, your best judgment, has he lived there five years?
A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)
Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Ci ilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 18th, 1901.
(Signed) T. B. Needles,
Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROSSON.

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JOSHUA HOLT, et al., Application continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:
Messrs. Mellette & Smith, for Applicants;
Mr. W. W. Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

Q State your name? A Moses Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well give us your best idean, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know whom he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I knew him just a little before the war come up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Cherokee Nation after the war? A Well, sir, I just can't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here on Verdigris.
Q At what place? A Gooseneck Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No, sir, I don't.
Q Did you know his mother, Esther Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1866 A No, sir, I don't.

BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.
Q Where did Joshua Holt and hismother live? A In Illinois district.
Q How far was that from you? A When I got acquaintedwith them I was working at John Daniels' in Canadian district.
Q How far were you working from him? A Just across the river there at John Daniles at the old place.
Q You were working there when the war came up? A Yes, sir.
Q And you knew those people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.
By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can't say, they were living together when I saw him.
Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
Q Where was that? A It was on Big creek when I got acquainted with him.
Q After the war? A Since the war.
Q You never knew them at all before the war? A No, sir.
Q You know Jane you say? A Yes, sir.
Q Where was Jane living when you first knew her? A She was living there with her father.
Q Was she married? A No, sir.
Q Living with her father Anderson? A Yes, sir.
Q Do you know whether Anderson went out of the nation during the war? A I wasn't acquainted with him.
Q Don't know whether he went and when he came back? A No, sir.
By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years anyway.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
Q The Wallace court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:
Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.
Q In what army? A In the 44th or 48th United states Infantry Colored, 48th I think.
Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation? A '66.
Q How do you know that? A I saw him on Big creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him? A She was born on Big creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you come or you come before him? A He was there when I come.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental Testimony in C.F. D.#644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 29th, 1901.

Mellette & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles, testified as follows, for the applicant: By Mr. Smith:
Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know hiw wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhousen family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Hoshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee Nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Must have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes, sir.
Q Where were these children born and raised? A On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnsn came back to the Cherokee Nation? A Yes, sir, In '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they recognized in your community as man and wife? A Yes, sir, I never knowed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.
Q What part of the Nation did he come to? A Big creek.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a state raised woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him whe he came with you folks?
A Not the first time.
Q What time was it that he came down with you, what time of the year? A Long in '66, long in the month of August.
Q Was that w hen some of you men folks come in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't youb e positivie as to whether that oldest child was born in the Cherokee Nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A 7 miles, between 6 and 7 miles close to Albert Morris.
BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q 's much as six months? A Can't have been any longer.
BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee Nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A With us in our wagon.
Q When? A Long in the summer of '66.
Q Was he married then? A He was not.
Q When did you first become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big Creek.
Q How far did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several.
Q Any girls? A Yes, sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of those you remember? A Mary, I don't know much about the girls.
Q Do you know if any of these children are married? A One is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.
Q How long since he was killed? A I think about 16 years.
Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there? A As man and wife.
Q Do you know when these children of theirs were born? A No, sir.
Q Were they born while they were living together as man and wife?
A Yes, sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes, sir.
Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.
Q Do you know whether she is the oldest child or not? A No, sir, I don't.
Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on big creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.
Q You all first came down in August and then went back?
A Yes, sir.
Q You say Anderson wasn't married then? A No, sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?
A Yes, sir.
Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes, sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?
A Yes, sir.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 13th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

oo o o o o o o o

SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:
Q What is your name? A Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
Q You know whether they were ever married or not?
A I couldn't tell you about the wedding, they were living together as man and wife.
Q Co recognized by the community? A Yes, sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
Q You know this girl's sister, Mary Johnson? A Yes, sir.
Q At the time she was born were they living together as man and wife? A Yes, sir.
Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified a while ago in the Mary Johnson case? A Yes, sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married man when he first came there?
A No, sir, he was a single man.
Q It was sometime after that when he married? A Yes, sir.
Q Had he been married up to that time? A Up to what time?
Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No, sir.
Q You don't remember just about how long after he come down there? A No, sir.
Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't rtry.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have my
Q Do you have any idea how old this woman is, (indicating applicant A No, sir, not exactly.

By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the creek, three children.
Q While they were living togetheras man and wife they raised a family? A Yes, sir.

By Mr. Hastings; You don't know where he got the woman? A No, sir, I couldn't tell you.
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Cooweescoowee district.

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SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)
Q Did you know Jane Holt? A Yes, sir.
Q Whose wife is she now? A John Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.
(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.
(Signed) T. B. Needles,
Commissioner.

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J O Rosson

Subscribed and sworn to before me this September 12th, 1903.

D B Thompson

Commissioner.

To be filed in CFD-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May, 15th 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 84, I was 16 when the stars fell
Q What is your post office address? A Spavinaw.
Q Is that in Delaware District? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you grom from Springfield to Joplin or did you come here first? A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By L. B. Bell, Cherokee Representative:
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge
Q Did you know old Peter? A Yes sir he was my brother in law.
Q Did you know Dr. Polson? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was

down to Polstons then and then back to Fayetteville Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville? A My Mistress lived there away after they killed John Ridge, she went from Honey Creek to near Bentonville then.
Q How long did you live on that farm? A I dont know.
Q When did Polston live on that farm? A I dont know exactly.
Q How long had he been living there when the war broke out? A I dont remember.
Q Several years? A I dont know.
Q You dont know nothing about it? A I dont know of him all the time.
Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.
Q Well tell me where he lived then? A In Fayetteville.
Q That is in Washington county? A I didn't know.
Q He was Mrs. Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband ~~now~~? A Henry? A He is dead. he died in small pox time.

By the Commission-
Q Where did your master die when he was killed? A Somewhere in the Territory- he was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.
Q How old are you? A 71.
Q What is your post office address? A Spavinaw.
Q Are you a recognized Freedman of the Cherokee Nation? A Yessir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I dont know how long it had been I knew her before the war.
Q Who did she belong to? A Mr. Ridge
Q was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war? A I dont know.
Q Where did you first see her after the war? A On Honey creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed? A I dont know.
Q Do you know of him ever living outside of the Cherokee Nation? A I think he did.
Q Was he living in Arkansas? A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother? A I dont know.

By L.B.Bell:

Katie Ridge 3.

Q What time of the year was it you say he applicant on Honey Creek in '65? A The summer of '66, I dont know just what time, but it was in the summer time.
Q What was you doing there? A I went to South West City.
Q You saw this woman there? A At the old place, Dr. Somebody owned it then.
Q Was he there? A No sir.
Q How far is that from South West City? A Taint very far, I dont know just exactly.know exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Bat's Prairie.
Q Where did you come here first after the war? A The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Coowescoowee District.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

* * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, I. T.

(signed)T.B.Needles,
Commissioner.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 4th, 1901.

Commissioner.

Supplemental D-295

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16,1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.
Q How old are you? A About 64.
Q What is your post-office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q You know Katie Ridge? A I didn't know her when I first saw her. When I first saw they they were up there on Honey Creek and someone said that was the Ridges.
Q What year was that? A That was along in the fall of '66, I think it was.
Q You saw her in the fall of 1866 then? A Yes, sir.
Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridges that was up there on Honey Creek.
Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.
Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridges, all I know about them is what Simon was telling me.
Q Simon who? A Simon Lynch.
Q Did you know them before the war? A No, sir, he knew them.
By L.L.Bell, Cherokee attorney: Where were you going in '66?
A Going up to Southewest City.
Q How far is South West City from where they were living? A I dont know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.
Q About what time of the year was it? A It was long in the fall like.
Q Can you recollect early or late? A It was early, it wasn't so cold, I ~~dax~~ know we slept out, we were going up there.
Q You don't recollect then how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted up there and I wasn't.
Q You went on from there to Southwest City did you? A Yes, sir.
Q Now where was Southwest City, in the Cherokee Nation or Missouri? A It was in Missouri or Arkansas, I don't know which, it was across the line.

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Bruce C.Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Bruce C.Jones.

Sworn to and subscribed before me this the 16th of May,1901.

(signed)C.R.Breckinridge,
Commissioner.

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M.L.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M L Green

Subscribed and sworn to before me this September 15,1901.

--Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 20,1901.

In the matter of the application of Katie Hicks for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicant;
Caleb Starr, for the Cherokee Nation.

Q Give me your name? A Katie Hicks.
Q How old are you? A 24
Q What is your post-office? A Vinita.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you apply for the enrollment of anybody except yourself?
A No sir.
Q Just yourself? A Self.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Dennis Hicks.
Q He is alive, is he? A Yes sir.
Q Give me the name of your mother? A Mary Hicks.
Q She is dead? A Yes sir.
Q Been dead about five years? A Yes sir.
Q Do you know Eliza Hawkins? A Yes sir.
Q What kin is she to you? A Sister.
Q Full sister? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found;
1896 census roll of citizens of the Cherokee Nation examined for applicant, and name not found.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 120 #2974 Kate Hicks, Delaware District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 118 #2488 Catherine Hicks, Coowoescoowee District.

Com'r Breckinridge: The applicant is identified on the Wallace roll and the Kerns-Clifton roll as a Cherokee Freedman; she is 24 years of age and is not identified upon the roll of 1880 or upon the roll of 1896; she is ~~xxxx~~ the child of Dennis and Mary Hicks, and claims through her mother, Mary, and for further evidence in this case reference is made to the case of her father, Dennis Hicks, Cherokee Freedman doubtful card 355; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 21,1901.

C A Breckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
SEP 17 1900

Cornelius Ridge, c

Q. Were you married man at the time you [illegible]
in 1880? A. Unmarried.
Q. Why did you leave the Cherokee Nation, at that time?
A. We didn't have anything to live on.
Q. Where did you go? A. Went to Joplin, Missouri.
Q. How long did you stay there? A. About three or four years, I
presume.
Q. And then where did you go to? A. Came on Grand river.
Q. In the Cherokee Nation? A. In the Cherokee Nation.
Q. Have you been living in the Cherokee Nation ever since? A. Yes,
sir.
Q. In the meantime you had married? A. Yes, sir.
Q. Did you bring your wife back here with you when you came? A.
Yes, sir.

BY MR. HASKINS:

Q. When time did you say you came to? A. From Missouri?
Q. Yes. A. In about three or four years I guess.
Q. After you went up there? A. Yes, sir.

COM'R MERRIAM:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Isaac and Mattie, as Cherokee freedmen; he also applied for the enrollment of his wife, Laura, as a Cherokee freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1883, but he and his children are only identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He swore that he was married to his wife, Laura, a white woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as remarked by Counsel that the testimony taken in the present case be made a part of the record in the application of Hannah Hicks who was listed for enrollment on Cherokee freedmen card. D 7338, and it is stipulated that the testimony taken in the application of Hicks stands for enrollment as a Cherokee freedman, who was duly listed for enrollment on

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 7th, 1902.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. SMITH:
Q Where do you live? A I live in Saline District, Cherokee Nation
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
Q Yes, sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did Mary marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q When did you come back to the Cherokee Nation first after the war? A Come back in 66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, that members of your father's and mother's were with you; you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoebe and Mary and a brother, Jesse.
Q Is Jesse alive A No sir, he is not alive.

Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3865, Cornelius Ridge, Cooweescoowee District.
Page 157, #3880, Pearl Ridge, Cooweescoowee District.
Page 157, #3881, Jesse Ridge, Cooweescoowee District.
Page 157 #3882, Myrtle Ridge, Cooweescoowee District.

The Wallace Rollof Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 153, #3185, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Nowata? A Yes, sir.

BY MR. HASTINGS:
Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother ~~in~~ at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect thought it is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your Mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's Prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me

like there was an orchard; might have been, I won't be sure.
Q Who did you say your Master was? A Herman Ridge.
Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.
Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.
Q Well, where was he living just before he joined the army?
Q I don't know sir, I could not tell you?
Q Well now, you came back here did you with your father and mother?
A Yes, sir.
Q Now what was the first point you came to? A In the Nation?
Q Yes. A On Honey Creek.
Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old home? A Yes, sir.
Q You come right back to the old home didn't you? A No, sir, not right exactly.
Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q The was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there some hing like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q Whatis your oldestchild's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No, sir; he is younger
Q And where was Ida born? A Ida was born on Grand river.
Q Near what place? A On Lynch's prairie.
Q How long after the war was it until you come down to Lynch's prairie? A How long after the war you ask me?
Q That is the question. A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sira
Q And you lived there you say about two or three months? A Yes sir.
Q Now, what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.
Q Did you go to the old place while you were there? A Polston place? yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure; let me thinkover that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there? A No, sir. I don't remember any one.
Q Where did youget anything to eat? A Brought provisions with us.
Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Q You never worked for anybody? A Never done a day's work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewheres along about there.
Q Were you up about that town there while you were down there on Honey Creek? A No, sir.
Q You didn't go to any town? A No, sir; what do you mean, Southwest City?
Q Yes, sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.
Q None except polston? A No, sir, that I can remember now.
Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know of.
Q Was there any field connected with your house you lived in?
A No, sir.
Q What did you get water out of, creek, spring or well?
A Spring.
Q What direction was the spring from the house? A Well, sir, I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the home place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife ~~is~~ your sister? A Yes, sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.
Q Did she go this round with you? A Yes, sir.
Q Your mother was with you? A Yes, sir.
Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes, sir, I think she was.
Q Well, now in all these round you went your father and mother and all the members of your family would go with them? A Yes, sir.

BY COMM'R HENDLEY:
Q Well, you apply for your wife as an intermarried citizen do you?
A Yes sir.
Q When were you married to her? A I don't know sir, about '67 I guess.
Q Have you been living withher continuously since that time?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q Where were you married? A Married in Missouri.
Q She is a state woman? A Yes, sir.
Q Where were you living in 1867? A In Missouri.
Q Brought your wife back with you when you come? A Yes, sir.

BY MR. HASTINGS:
Q Joplin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:
Q [illegible] there. Cornelius, did you leave the Cherokee Nation after you came here in 1866; how long did you stay here in 1866? A We came in [illegible] and left after Christmas.

Cornelius Ridge et al 5.

Q Were you a married or unmarried man at the time you came here in 1866? A Unmarried.
Q Why did you leave the Nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go to? A Went to Joplin, Missouri.
Q How long did you stay there? A About three or four years, I presume.
Q And then where did you go to? A Came on Grand river.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since? A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came? A Yes, sir.

BY MR. HASTINGS:
Q What time did you say you came back? A From Missouri?
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

COM'R NEEDLES:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedman card D #355, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D. Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

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J.C. Bosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.C. Bosson.

Subscribed and sworn to before me this June 17th, 1908.

(signed) T.L. Needles,
Commissioner.

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M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green.

Subscribed and sworn to before me this September 5th, 1908.

Commissioner.

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File with case of Katie Hicks, C.F.-D.#361.

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SALLIE MILLER as a Cherokee Freedman, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.
Q Where do you live? A I live up Pryor Creek, about five miles north of Prior Creek.
Q What is your age? A I am 59.
Q How long have you lived in the Cherokee Nation? A Been living here all my life, only few times I have been out of the Nation.
Q Well, you were out of the Nation; when you were out of the Nation what places were you in? A When I was out of the Nation I lived at Fort Scott, Kansas.
Q About what year did you live in Fort Scott, Kansas? A I lived from 1865 down to 1866, '67 and down to spring of '68.
Q During the years you lived there did you become acquainted with Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted with one lady named at that time Sallie Holt.
Q Well, did you know her family at that time, her mother?
A Yes, sir.
Q What was her mother's name? A Au nt Easter Holt.
Q Did you know any of her brothers? A Tecumseh and I forget the other one's name, was another one.
Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and Joshua.
Q Did you know any of her sisters? A Yes, sir, but I forget their names.
Q Now, where were they living, if you know, during the years you lived at Fort Scott? A They lived in an old Government building right in Fort Scott.
Q You went there in 1865? A In '65
Q How long had you been there before you knew these people, or got acquainted with them? A I was there about a month or two or three months, I could not state the time.
Q Well, where were they living when you left Fort Scott, Kansas, if you know? A Well, Aunt Easter was living in an old Government building.
Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie, you don't know that the woman who is an applicant here for enrollment is the whoman whom you say you saw up at Fort Scott, Kansas, at the close of the war, do you?
A I don't know the woman.
Q You don't know that that is the same woman? A In the same name.
Q It is not the same name? A She name Holt.
Q Well, you don't know that this is the same woman that you knew up there, do you? A Well, it was a daughter of Easter Holt, it was a Sallie woman.
Q Well, you don't know anything about this applicant; you have never seen this applicant here? A I haven't seen her here.

Q Well, you have never seen her since she has made appli cation here for enrollment have you? A No, sir.
Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
Q In the Spring of '68? A Yes, sir.
Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing putlic work there.
Q Did you keep track of these colored people? A All I saw.
Q Did you ever testify in this case before? A I guess I did.
Q When? A Not long ago at Fort Gibson.
Q You give testimony up at Fort Gibson? A I thi nk I did.
Q How long ago? A I don't know exactly whether it was last month.
Q How old are you, Mr. McKenzie? A I am 59.
Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago A Well, I guess I could remember it, I statedbefore.
Q There is no reason why you paid particular attention to them?
A No, just seeing them pass and repassing about.
Q You left there in the spring of '68? A Yes, sir.
Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
Q Well, now, off and on there, you saw them? A Every week
Q Can you remember 35 years ago you saw these people every weeks?
A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
Q Well, you feel because you are here you have to testify something?
A I don't know.
Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
Q Is it possible they might have left there a year before you did?
A If they did they went back in a short time.
Q What were you paying so particular attention to those people for?
A I could not tell you.
Q You just watched them? A Well, just seeing them pass and pass every day.
Q Who else did you see up there at Fort Scott? A Why I see good many.
Q What other coloredpeople? A Good many. Good many other colored people, but I don't know their names.
Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
Q There were a great many coloredpeople in Fort Scott?
A Yes, sir.
Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
Q Well, who else lived in the Government building there?
A Good many families.
Q Good many families? A Yes, sir.
Q Why don't you remember the names of the other colored people?
A Because the boys I remember them, and part lived in town-
Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)

Q And who else was there? A Bill was blacksmith; Tom Brown.
Q Was it Tom Brown or Bill Brown? A Tom Brown
Q when did they leave there? A I don't know.
Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of twon and a familu lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
Q What makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
Q When was the last time you remember seeing this Sallie Miller?
A Well, I saw when I left Fort Scott.
Q Di you see her the day you left? A No, sir; I didn't see her the day before I left.
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
Q You remember then of seeing her two weeks before you left?
A Yes, might have been two weeks, and maybe longer and not so long.
Q Maybe a year too? (No response.)
Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
Q How do you know she went to Mapleton? A Well, if she left al all.
Q What makes you think that? A That was the talk.
Q How was that? A That is why I found out by talking with her brother.
Q You got a letter? A No, sir, talking with her brother.
Q You are testifying to what her brother told you?
A That is how I found out where she went, if she went off at all.
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
Q what is your age, Mr. Margrave? A My age is -130--about 82; I am away along in the 83 year.
Q where do you live, Mr. Margrave? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Since 1854.
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
Q You know the old lady's name? A Yes, sir; do you mean the mother?
Q Yes, sir; what was her name? A Easter Holt.
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Cumsh, Sallie and Josh.
Q When did you become acquaintedwith the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very w hortly afterwards.
Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
Q Well, now, where is Mose Holt living now, do you know?
A Lives right there by me in Fort Scott.
Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never took no count of; I don't thi nk he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

Q About how long has it been since Tecumseh moved away from there?
Q That maybe all the way fromm five, sir, seven or eight years, not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.
Q Well, did Sallie Holt marry while she wasup there? A Yes, married twice.
Q What was her first husband's name? A Walker he died and then she married a Miller.
Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.
Q Have you seen Sallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I knew her as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in -? A Seven, eight or ten years.
Q Do you know where Aunt Easter Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates-
Q About how long? A I would think it was six or seven years ago.
Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquaint ed with them.
Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.
Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.

MR. MELLETTE: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because-
Q Well, now, where was she in '66? A The family was there, I am satisified they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; one of the family might went away.
Q You can't say that Sallie Miller, or Sallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that tume. One of the family could go off and I would not know anythi ng about that; go off and return again.
Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.
Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 35 years ago A You mean one at the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, one of them? A Walker.
Q Didn't she talke some children back from here the first ti me she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 56.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 33 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.

Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Mose Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not sat, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MELLETTE: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.

Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the Terrtory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTEN, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighten.

Q Where do you live, Mr. Brighten? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 20 years.
Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of Colored people by the name of Holt?
A Yes, sir.
Q What membersof the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
Q Did you ever know the mother? A No, sir.
MR. MELLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they reallly,belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:
MR. DAVENPORT: What is your name? A William Sexton.
Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '69.
Q Well, since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.
Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
Q What was her name? A Her name was Easter Holt.
Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jenni e and Sallie; that's as many as I recollect.
Q Well, did you know Sallie Holt, if she was a grown woman?
A. Sallie she was a woman when I got acquainted with her.
Q Josh, was he grown when you got acquainted with him?
A No, sir, he was a young man.
Q Would you know Sallie Holt if you would see her now?
A Yes, sir.
Q I wish you would look back through the audience and see if you see her? A Yes, sir.
Q You recognize her as being the same woman, Sallie Holt, you knew?
A Same woman.
Q Did she marry while she wasliving up at Fort Scott? A She was married when I got acquainted with her.
Q Do you know what her husband name was? A Her husband's name was Walker.
Q Do you know whether Walker is living or dead? A He died.
Q Well, did she marry again? A She did.
Q Do you know who she married? A She married a man by the name o. Miller.
Q Do you know his first name? A Stepney.
Q What was his business? A He was a shoemaker up there.
Q You knew Josh too up there did you? A Yes, sir.
Q And Tecumseh? A Tecumseh.
Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
Q Do you know whether or not there was a girl by the name of Bettie?
A I wouldnat be positive but it appears to me there was.
Q Were they living in Fort Scott when you went there in '69, Mr. Sexton? A Yes, sir.
Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Moses is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q well, about how long? A It has been, I should judge, some ten or 12 years.
Q well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas Ci ty or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Com'r Noedles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilizes Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 15th, 1901.

Commissioner.

A FD361

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COMMISSION TO THE FIVE CIVILIZED TRIBES

ACTING CHAIRMAN.

Commissioner.

File with C.F. D-361, Katie Hicks.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 3, 1901.

In the matter of the application of Kate Ridge for enrollment as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. L.B. Bell, of attorneys for Cherokee Nation,
and Mr. W.W. Hastings, of attorneys for Cherokee Nation.

W.H. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war begun? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q How when did you return to the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Come to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war begun, or how come you to go on thatplace? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then-? A Until the fallof 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Katie Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with whatis known as the old Washbourn place at that time? A Yes sir.
Q Was there any Freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston ~~ready~~ occupy that place after you bought it from him or did he ever? A He went right on the place when we left it

in '66.
Q Where did he move from to that place? A He moved from Mayesville Arkansas.
Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.
Q Now do you know anything about where Dr. Polston was in the early part of '66, or where he come from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knewof? A Not that I had any knowledge of.
Q But you moved away from that place in '66? A Yes sir.
BY MR. NEWLETTE:
Q How old are you, Mr. Wood? A 48 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You were quite a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days? A Yes sir, I do.
Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.
Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.
Q What place are you talking about as the one that ~~[illegible]~~ colored people did not live on? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.
Q How many Polston places were there in that country? A Just the one.
Q How do you know? A I lived there.
Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.
Q Where did you go during the war? A I went to the Choctaw Nation.
Q When did you return? A In '65.
Q What time in '65? A Spring.
Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.
Q Do you know Herman or Hiram Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COM'R NEEDLES:
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your occupation? A I am farming and selling goods.
BY MR. BELL:
Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blevins' place,
Q And then moved down into the Cherokee nation in '66? A Yes sir.

Katie Ridge ckx (sup'l)3

MRS. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 9th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Eneous Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died beforeI went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yessir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. MELLETTE:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in58 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you ~~xxxx~~ became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
Q How long did you live there? A A year and four months, that was as long as he lived.
Q That was up just about the beginning of the war? A Well I ~~left~~ lived there until '59. I left there in the fall of '59.
Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri,- I saw her husband.
Q Oh, you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; ~~xx~~ I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Tell that geneleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.
Q Are you a citizen of the Cherokee Nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee Nation and Missouri.
Q Were you living 2 miles north of South west City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.F. Lanyance were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Strothers I think the post-office was handled.
Q Well the post-office was there in the store? A Yes sir.

Q What was the place called then? A Honey Creek. did it
Q How long did it retain that name of Honey Creek, or when change back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.
Q Was that in one or two or three years? A Well yes, three years perhaps, somewheres along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town war started a little.
MR. MELLETTE: I dont believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:
BY MR. BELL:
Q Give me your name, age and post-office? A My name is James M. Bell, aged 69, post-office Needmore, or Vinita, either one.
Q You are a citizen of the Cherokee Nation are you? A Yes sir.
Q How long have you lived in this Cherokee Nation? A Well with the exception if a few intervals I have been here since '39.
Q Well you have been here 40 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A ~~As far as~~ His first child was not of sound mind, a girl, Rolen Ridge was the next, Herman, Eneous, Andrew, Susan Washbourn, Flora Polston, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards moved to Fayetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know?
A He was between 25 and 30; he was 25 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother where? A In Benton County, Arkansas.
Q When did he join the army? A He joined in '62.
Q ~~Xxxxx~~ Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a farm, location or home or habitation in the Cherokee Nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes sir.
Q By blood, friendship, social matters or what? A It is my mother-

standing that we are related by blood, but what degree I don't know but the family were intimately acquainted.

BY MR. MELLETTE:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That is in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, , who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I knew nothing of that.

[illegible] being sworn by Commissioner Needles, testified as follows:

BY MR. W. HASTINGS:

Q What is your name? A L.B.Bell, 62 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haversham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1843 when the whole world was flooded, I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q Now who lived there, occupiedit? A Old Peter,-the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and runoff and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his that he had there, remained on the place 5 or 6 years, then it passed into the hands of Dr. Polston, who married Flora, the youngest girl of John Ridges family; they lived there until '61 probably lived there 3 or

or 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the confederate Army, General Watie was a kinsman of his and he joined the xx regiment that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1868; his heirs own it yet.
BY MR. MELLETTE:
Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.
MR. MELLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:
BY MR. BELL:
Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.
BY MR. MELLETTE:
Q Did she return to the Cherokee Nation at any time ~~that xxx~~ there while you were there? A Notthat I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.
Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At ~~Fayetteville~~ Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville?
A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.
Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Yessir.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Cher-

okee Nation? A Well I don't know; I know they were living there and that's all I know; I never heard them say anything about it.
BY MR. HASTINGS:
Q You don't know what legal steps were taken by these people, Washburns ~~xxx~~ or Polstons to re-establish their citizenship? A No sir.

COMMISSIONER MEADLES: The testimony will be filed in Kate Ridge, Cherokee Freedman D 295, and D 556 and D 586, and D 589 and D 300, D 360, D 361, D 362 and D 558.

(Copies of this testimony have also been made for C.F.D-676,D638,D647,D591,D594 and D536.-Stenog.)

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this November 12th,1901.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 438, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Katie Hicks, D 361;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

JOR

Cherokee F. D. 361.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE LAND OFFICE.
Tahlequah, I. T., February 15, 1905.

In the matter of the application of Katie Hicks for the enrollment of herself as a Cherokee Freedman. No. C.F.D. 361.

KATIE GETTER, being duly sworn and examined by the Commission, testified as follows:--

Q What is your name? A Katie Getter.
Q How old are you? A 28.
Q What is your post-office? A Vinita.
Q Are you a daughter of Dennis and Mary Hicks? A Yes sir.
Q Married? A Yes sir.
Q What is the name of your husband? A Wilton V. Getter.
Q Is he a citizen of the Cherokee Nation? A No sir.
Q When were you married? A 18th of October, 1904.
Q You and he live together now? A Yes sir.

Joe Chambers, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony in this case and that the above and foregoing is a true and complete copy of his stenographic notes.

Joe Chambers

Subscribed and sworn to before me this 15th day of February, 1905.

J Reese
Notary Public.

JC

A. F. Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

Katie Ridge,	Cherokee	Freedmen	D 295
Cornelius Ridge, et al.,	"	"	D 586
Phoebe Johnson, et al.,	"	"	D 589
Henry C. Ridge,	"	"	D 630
Ida Jones, et al.,	"	"	D 647
Ary Lynch,	"	"	R 70
Elnora Vann,	"	"	R 113
Maud Riley, et al.,	"	"	D 591
Rosa Vann, et al.,	"	"	D 594
William Townsend,	"	"	D 636
Mollie Townsend, et al.,	"	"	D 651.
Dennis Hicks, Jr., et al.,	"	"	D 355
Joshua Holt, et al.,	"	"	D 344
Sallie Miller,	"	"	D 648
Mary Johnson,	"	"	D 664
Ruth Vann, et al.,	"	"	D 666
Frank Johnson, et al.,	"	"	D 875
Eliza Hawkins, et al.,	"	"	D 358
Joseph Hicks, et al.,	"	"	D 360
Katie Hicks,	"	"	D 361
James A. Hicks,	"	"	D 362
Frances Johnson, et al.,	"	"	D 676
Anna Butler, et al.,	"	"	D 979
Howard Bushyhead,	"	"	D 960
Katie Davis,	"	"	D 953
Moses Riley, et al.,	"	"	D 258
Andrew Riley, et al.,	"	"	D 260
Jesse Riley, et al.,	"	"	D 261
Frank Riley, et al.,	"	"	D 262
Jerry Riley, et al.,	"	"	D 263
Fannie Scott, et al.,	"	"	D 266
Delilah Johnson, et al.,	"	"	D 267
Lottie Johnson, et al.,	"	"	D 268
Jane Riley,	"	"	D 600
Daniel Thompson,	"	"	D 606
Elick Ward, et al.,	"	"	D 623
Sandy Thompson,	"	"	D 693

Ruth Riley, et al.,	Cherokee Freedmen	D 579
Hannah Riley,	" "	D 569
Charles Landrum,	" "	D 601
Tettie McIntosh,	" "	D 903
William Riley,	" "	D 603
Carrie Gibson,	" "	D 704
Cora J. Wagoner, et al.,	" "	D 570
Arthur Riley,	" "	D 571
Elizabeth Melton, et al.,	" "	D 441
Julius Curls,	" "	D 269
Riley Curls, et al.,	" "	D 270
Ophelia Thompson, et al.,	" "	D 271.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Ary Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie Willard, Clifford and Maucelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, [illegible] E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Tilda Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, [illegible]ial Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 26, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Cola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Jaine Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Tordra Odine Riley, child of the applicant, Ruth Riley; by Lanna Miller for herself; by Charles Landrum for himself; by Bettie [illegible] for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on [illegible] 5, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself, [illegible] beth Melton for herself and minor child, Elnora Melton; by [illegible] Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

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affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 660; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 3594-04), in the cases of Jesse Vann et al., C.F.D. 252 (R 302), and Emma Purtle C.F.D 266; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4386, 5029-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 165; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4736-04); in the consolidated case of Katie Thornton et al., C.F.D. 578 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 6, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 615, R 262).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Walmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Verena and Pearl Milton, Maud Riley, Rosa Vann, and William Townsend, are children of the applicant Phoebe Johnson, were born since 1866, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Minora Vann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1866, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (Said William Riley's rights to enrollment are considered below, C. F. D. 663), was born since 1866, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said mother (In C.F.D. 660, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 3470-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Vann, and one Rosa Purtle, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 264 and 265 the Commission found that the said Jesse Vann and Rosa Purtle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. 3112-3594-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1866, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lettie and Joseph Hicks; that the applicants Lettie Hicks, Joshua Holt

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Eliza and Tyndle E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley, is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 578, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Nanuah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley, wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Lufor Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Effie Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Landrum, Nettie McIntosh, William Riley, Carrie Gibson, Cora J., and Oval Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902, Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 6966-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Bettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Bettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out infra, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. [illegible] admitted to citizenship by the Chambers Court, and [illegible] on the 1880 roll. Without calling attention to the many [illegible] in which the above named witnesses have been successfully [illegible] dicted and repeatedly impeached, it is considered by this [illegible] that, after hearing the testimony of numerous witnesses, [illegible] ested and disinterested, and after the examination of [illegible] hibits filed and made a part of the record in freedman [illegible] can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who [illegible] with the treaty stipulations of 1866, and it is fully [illegible] that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen [illegible] which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his [illegible], although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, [illegible] of the descendants of the said Riley McNair, testifi[illegible] the rebellion, he and Riley McNair returned to the [illegible] together. In C.F.D. 314, the Commission found that [illegible] Moses Hardrick did not return to the Cherokee Nation [illegible] time specified in the Whitmire decree, and on October [illegible] its finding was approved by the Department. It was [illegible] after the above indicated trip before Riley McNair [illegible] and family to the Cherokee Nation. One Emma Purtle, [illegible] of the said Riley and Maria McNair, removed from the [illegible] tion during, and returned thereto after, the rebellion [illegible] father's family. In C.F.D. 265, the Commission found [illegible] said Emma Purtle did not return to the Cherokee Nation [illegible] time specified in the Whitmire decree, and on November [illegible] its finding was approved by the Department. The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNairRiley family.

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The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 498-D 664 and D 883). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Bettie McIntosh, and that the said two last named applicants were born in 18[illegible] and 18[illegible], respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 562, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1888-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 113 (R 262), and D 607 (R 283), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5948, 11776-04), under the provisions of the Act of Congress approved June 26, 1896 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Hold, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Millie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this: Oct. 13, 1905.

(COPY)

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al.	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	636
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70
Elnora Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	536
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	355
Eliza Hawkins et al.,	Cherokee Freedmen	D	358
Joseph Hicks et al.	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson,	Cherokee Freedmen	D	864
Ruth Vann et al.	Cherokee Freedmen	D	866
Frank Johnson et al.	Cherokee Freedmen	D	875
Frances Johnson et al.	Cherokee Freedmen	D	876.

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy,

Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelius Jones, child of the applicant, Ida Jones; by Charles F. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April [illegible], 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife, Bettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle F. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Jensen, and minor children, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt; by Mary Johnson for herself, by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February [illegible], 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 1[illegible], 190[illegible], the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1907 (I.T.D. 17[illegible]4-1905), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and res judication, the Department stating that it "considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article [illegible] of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1908; Katie Ridge, D 28[illegible]; Cornelius Ridge et al. D [illegible]; Phoebe Johnson et al. D [illegible]; Henry C. Ridge D 65[illegible]; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D [illegible]94; William Townsend D 656; Leroy Hicks et al. D [illegible]; Eliza Hawkins et al. D [illegible]; Joseph Hicks et al. D 3[illegible]0; Katie Hicks D 3[illegible]1; and James A. Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their rights to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1906 (34 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelias Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. N. D. 350 the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 7, 1904-I.T.D. 2170-1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks, (Their father, Dennis Hicks, case D 350 infra.) Eliza and Tyndle E. Hankins Joseph, Otto A., Katie and James A. Hicks, were born since 1866 and possess no right to enrollment as Cherokee freedmen except as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Lee Riddle and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Nettie Hicks; that the applicants Nettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1906, that the applicants Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford, and Maucelia (Mareelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank Johnson (In C.N.D. 853 the Commission to the Five Civilized Tribes found, on April 22, 1905, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 28, 1906-I.T.D. 7712-1906-1906), and Frances

Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Nettie Hicks and Joshua Holt, and of Anderson Johnson deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904(I.T.D. 7192-7993-1904). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Welcome (I.T.D. 5846-11776-1904), under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the Act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beason, Ella Beason, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Feb 2 1907

lo

D 361

[illegible]
[illegible] THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1901
[illegible]

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Katie Hicks for enrollment as a Freedwoman of the Cherokee Nation, one copy of the original testimony of May 20th, 1901.

Mellette & Smith

Attorney for Applicant.

Cherokee F. #D361.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

In the matter of the application of Katie Hicks for enrollment as a Cherokee Freedman.

No. F. D. 361

Henry Pack, of lawful age, being duly sworn on oath states that on the 13 day of September, A. D., 1901, he registered to Katie Hicks whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson, I. T. Indian Territory; and that on the 17 day of September, 1901, he received the return card which is hereto attached, signed by the said Katie Hicks showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 17 day of September D. 1901.

J. C. Hurst
Notary Public.

N. F.D.361

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of.....A. D. 1901.

Given under my hand this..... day.....A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the .....day of ....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the.....day of..... A.D.1901

.....

Subscribed and sworn to before me this.....day of..... A.D.1901.

NOTICE!

IN THE MATTER OF The application of Katie Hicks for enrollment as a Cherokee Freedman:

Case No. F. D. 361

To Katie Hicks Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on the following dates, to-wit: Oct. 7th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this day of , 1901.

1901

L. B. Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 13, 1905.

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. S-222

Register

Cherokee Freedmen

D-29[illegible], et al.

Muskogee, Indian Territory, October 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. S-223

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, Ary Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Hollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Ocla Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

POOR ORIGINAL -
BEST AVAILABLE COPY

Secretary--3.

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Mick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Opholia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 536, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Commissioner

Through the
Commissioner of Indian Affairs.

Incl. F 16.
LMB

COPY.

Cherokee Freedmen
D361

Muskogee, Indian Territory, October 13, 1905.

Katie Getter,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him, a copy of the Commissioner's decision.

The decision, together with the record of proceedings, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Department will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).
Tams Bixby.
Commissioner.

Incl B-91
Register

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JWA
OFFICE OF INDIAN AFFAIRS,
83507-91559-1905. WASHINGTON.
91821-91843-1905.
91492-101897-1905. December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor chrildren, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elnora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend forhimself; by Mollie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delana, Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor step-children, Laura and Ella Beeson and minor children, Jessie, Willard, Clifford, and Mamelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Liella Johnson; by Eliza Hawkins for herself and her minor child, Tyndle H. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mable, Elnora, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and her minor children, CharlesWesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and hersminor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elmora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1906, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Bettie and Joseph Hicks; that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Willie McNair, deceased; that the said Riley, Maria, and Willie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lottie Johnson, and Jane Riley, Daniel Thompson, Elick andAmanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, or the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from G. F. Fogle enclosing motions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMX
C

JWJr

DEPARTMENT OF THE INTERIOR, LLB

Washington.

D.C.29336.

I.T.D.17884-1905. July 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cherokee Freedman
D 298 et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 878	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 983	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 356	Dennis Hicks, et al,
D 648	Sallie Miller,
D 575	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 983	Katie Davis;

that Louis T. Brown is the attorney in the following cases;

D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 960	Howard Bushyhead;

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

W.A.

Encl. 4-1.

Commissioner.

Cherokee Freedman
D 298 et al.

Muskogee, Indian Territory, August 6, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 358	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 878	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 983	Katie Davis.

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Encl. W.A.4-1.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
D 361.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 6, 1906.

Katie Hicks,

Vinita, Indian Territory.

Dear Madam:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.

Register.

Geo D Rodgers

Acting Commissioner.

Cherokee D 361

COPY

Muskogee, Indian Territory, February 28, 1907.

Watie Hicks,

Vinita, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Enc I-48
RPI
Register.

Cherokee F.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application fot the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-37

RPI

Commissioner.

Cherokee F.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 190 7, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Enc I-35

Commissioner.

RPI

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Addie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Hobson, Ella Hobson, Jessie Holt, Willard Holt, Clifford Holt, Marcelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedman, together with the decision of the Commissioner, dated February 28, 1907, rejecting said application.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D.7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

3

Secretary--3

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enock Daniels, et al., Cherokee freedman 1429, formerly Cherokee freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedman citizenship, be reversed.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Rec I-36

RPI

(C O P Y) --Copy--

LANd
21941-1907

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

March 4, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated February 28, 1907, relative to applications for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt, Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedmen, together with the decision of the Commissioner of February 28, 1907, rejecting the applications.

The Office has examined the record in this case and finds the conclusions of the Commissioner to be correct, and recommends that his decision be approved.

In connection herewith the Commissioner invites attention to the case of Enoch Daniels, et al., applicants for enrollment as Cherokee freedmen, wherein the Department on October 22, 1904 (I.T.D.7724-1904), found that one Laura Daniels (nee Ridge), daughter of Cornelius Ridge, a party applicant herein, was entitled to enrollment as a Cherokee freedman and included in a partial roll of Cherokee freedmen approved by the Department on July 27, 1905, opposite No. 3907.

Mr. Bixby now reports that Laura Daniels was born since 1866 and that her right to enrollment was based on the theory that her father, Cornelius Ridge, who is denied enrollment by the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman."

This being an error, as indicated by the case herewith transmitted, the Commissioner now recommends that the Department reverse its decision in the case of Enoch Daniels, et al., so far as it relates to Laura Daniels, and that her name be stricken from the roll.

The Office concurs in this recommendation.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

Cherokee F.
D-361

Muskogee, Indian Territory, March 15, 1907.

Katie Getter,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

EMH

Commissioner.

COPY

Cherokee F.
D-295 et al.

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby

Commissioner.

Encl.H-5
JMH

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-6
JMH

D.C.13395-1907. (C O P Y) J.F.Jr.

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON.

I.T.D.8072-1907. March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 28, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman". You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmanship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Acting Secretary.

1 inc. and
2 to Ind. Of.

VB. F. D. 361

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
20 1901

ACTING CHAIRMAN

5

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 25, 1901

Post Office Vinita I.T.

District Delaware

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Doubtful

2. Name of wife Katie Hicks Age 24

Owners name ..... Citizenship .....

Year 1896 Page 120 No. 2974 District Del.

Parents:

Father Dennis Hicks - living Citizenship .....

Mother Mary " - dead Citizenship .....

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Doubtful

Application made by No. 1 Stenographer Wm. D. Green

Dennis Hicks, roll as Kate Hicks
" Wallace roll, Page 118 # 2488 - Catherine Hicks
Dec. Dist.

Ref. D 353 -

Mellette and Smith, Attys for applicant

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Katie Hicks,
Vinita, I. T.
Cherokee F-D-361.
Relator.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

2nd notice

RETURNED TO WRITER

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

.679
725

Katie Hicks,

Vinita, Indian Territory.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

Katie Gentry,

~~Vinita~~, Indian Territory.

Muskogee

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURNED TO WRITER

MUSKOGEE, IND. T.
AUG 6 1901
REGISTERED

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

193
213

UNCLAIMED

Katie Hicks,

~~Vinita, Indian Territory.~~

8863
Muskogee
5220 Morgan St.
St Louis

RECEIVED
ST. LOUIS, MO.
AUG 19 1906

3d NOTICE
AUG 17 1906

REGISTERED
ST. LOUIS

REGISTERED
AUG 7 1906
VINITA, I.T.

MUSKOGEE, I.N.T.
REG. AUG
SEP 8 1906

2d NOTICE
SEP 14 1906

REGISTERED
OCT 12 1906
VINITA, I.T.

REGISTERED
NOV 13 1906
LUSK, I.T.

REGISTERED
MAR 8 1907
VINITA, I.T.

REG.
AUG 16

Cher Fr R 872

Trans. from Cher Fr D 362

Cher Fr R 872

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I. T. May 20th 1901.

In the matter of the application of James A Hicks for enrollment as a Cherokee Freedman; he being sworn by Commissioner, C. R. Breckinridge, testified as follows:

Q What is your name? A. James A. Hicks.
Q How old are you? A. 26.
Q What is your post office ? A. Vinita.
Q In what district do you live in? A. Delaware.
Q Do you want to be enrolled as a Cherokee Freedman ? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A Dennis Hicks.
Q Is he alive? A. Yes sir.
Q What is your mothers name? A. Mary.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. About 5 years.
Q Are you upon the Kerns-Clifton and Wallace rolls? A. Yes sir.
Q Are you on the 1880 and 1896 rolls? A. No sir.

Rolls of 1880 and 1896 examined, applicant not found thereon.

Kerns-Clifton roll examined, applicant found as follows:
Page 180, No 2973, Jim Hicks, Delaware district.

Wallace roll examined, applicant identified as follows:
Page 118 No., 2487, James A. Hicks, Cooweescoowee district.

DENNIS HICKS, called and sworn as a witness, testified as follows:

Q What is your name? A Dennis Hicks.
Q What is your age? A. 52.
Q What is your post office? A Vinita.
Q Is the applicant a son of yours? A. Yes sir.
Q What is the name of his mother? A. Mary Hicks.
Q She is dead is she? A. Yes sir.
Q How long has she been dead? A. 4 or 5 years.
Q You claim your citizenship by intermarriage do you not? A. Yes sir.
Q You claim that your deceased wife, Mary was a Cherokee Freedman in her own right? A. Yes sir.

By Com'r Breckinridge,-

The applicant applies as a Cherokee Freedman, he is identified on the Kerns Clifton and Wallace rolls, but not upon the rolls of 1880 and 1896; for the further consideration of his case, reference is made to the case of his father, Dennis Hicks, Cherokee Freedman Doubtful Card No. 355, and a copy of the testimony therein will be filed with this case. The applicant states that he has lived in the Cherokee Nation all his life; his claim to citizenship is through his deceased mother; the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decission will be made known to him at his post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of May, 1901, at Vinita I. T.

Jas. A. Hicks. 2.

C. A. Mitchiner

Commissioner.

B. F. 302

DEPARTMENT OF THE INTERIOR
COMMISSION TO [illegible] CHEROKEES
FILED
MAY 20 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 20, 1901

Post Office Vinita I.T.

District Delaware

1. Name James A. Hicks Age 26

Owner's name Citizenship

Year R&C Page 120 No. 2973 District Delaware

Parents:

Father Dennis Hicks Citizenship

Mother Mary " — dead Citizenship

MAY 20 1901

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer M. D. Green

/ on R&C rolls as Jim Hicks

/ " Wallace roll, Page 18 2487 — James A. Hicks — Co

Mellette and Smith, attys for applicant

File with CFD 362. James A. Hicks

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 13, 1901.

In the matter of the application of Dennis Hicks for the enrollment of himself, his wife, and five children as Cherokee Freedmen.

Dennis Hicks, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dennis Hicks.
Q How old are you? A I am 52 years old the 15th of June.
Q What is your post-office? A Vinita.
Q In what district do you live? A Coowoescoowee; well I live in Saline, or Delaware it is; my home is in Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir, not unless you will accept my certificate; I am not a freedman.
Q You want to apply? A Yes, sir, I want to apply.
Q As a Freedman? A No, sir, intermarried.
Q You are an African are you? A Yes, sir.
Q Who is it you want to apply for besides yourself? A Five minor children.
Q And have you a wife you want to apply for? A She will apply for herself I guess.
Q We would rather the family would come together? A Well.
Q You apply for yourself, your wife and five minor children?
A Yes, sir, the wife of them children thoughis dead.
Q You apply foryourself as an intermarried man do you? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I havelived here since 1872.
Q How many times have you been married? A Twice.
Q Give me the name of your first wife? A Mary Ridge.
Q Is she dead? A Yes, sir.
Q What was she, a Cherokee Freedman? A Yes, sir.
Q When did you and her marry? A 1872.
Q How long has she been dead? A Been dead four years.
Q Did you and she live together until she died? A Yes, sir.
Q What was the name of her father? A Henry Ridge.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 18 years.
Q Give me the name of her mother? A Katie Ridge.
Q Is she dead? A No, sir.
Q Did you get out a Cherokee license when you married this woman?
A Later on I did; a preacher married me in the first place.
Q Have you that license? A Yes, sir.

Commissioner: The applicant presents a license issued by the Clerk of Coowescoowee district, December 12, 1892, as well as it can be made out, authorizing marriage between himself and Mrs. Mary Hicks, nee Ridge. The certificate shows that they were united inmarriage on the 12th day of December, 1892, by the Rev. A.W. Lewis, and it is endorsed as having been recorded on the 12th day of December, 1892. This is filed here

Mr. J. Davenport, Cherokee attorney: The representatives of the Cherokee Nation present protest against the introduction of the marriage certificate, under §659, page 329, of the Compiled laws of the Cherokee Nation of 1892.

Commissioner: This protest will be considered in the final determination of the case.

Q Now give me the name of your second wife? A Her name is Bettie Melt.
Q Is she living now? A Yes, sir.
Q Was this first wife ever married except to you? A No, sir.

Q How old is your present wife? A She is 56 years old.
Q When were you and she married? A About 2 years ago.
Q Have you a certificate of marriage? A I have at this Court down here, I haven't it with me, it is down at the house.
Q You claim that Bettie Holt is a Cherokee Freedman? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A I can't tell you how long, all her life though pretty near I suppose.
Q Give me the name of her father? A I don't know him, sir.
Q Give me the name of her mother? A Her name is Hester Hill.
Q Is she alive? A Yes, sir.
Q Was this wife ever married before she married you? A Why I think so, I don't know.
Q Give me the names of these children, begin with the oldest; these five children.
Q Commence at LeroyHicks.
Q How old is that child? A He is about 19 years old.
Q Whatis the next child? A Dennis Hicks, Jr.
Q How old is Dennis? A Dennis is about 17, going on 18 I believe he is.
Q Give me the name of the next child? A The next one is Delena Hicks.
Q How old is that child? A She is about, I think she is at 14 years old.
Q Give me the name of the next child? A Mabel Hicks.
Q How old is that child? A She is about 12.
Q The next child? A Elmer.
Q How old is that child? A Nine, going on 10.
Q Are these children all living now? A Yes, sir, all at home.
Q Are these children of your first wife? A Yes, sir.
Q Are you on any roll of the Cherokee Nation? A No myself, no sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant Dennis Hicks, nor Mary, his first wife, not identified on said roll.
The 1880 authenticated roll of Cherokee Freedmen examined and applicants not identified thereon.
Q Did your wife ever draw Cherokee strip money? A Yes sir.
Q Did you draw Cherokee strip money? A for these children?
A Yes, sir; no, sir, they didn't give her this last money; the children did.
The Kerns-Clifton roll examined, and the applicants identified thereon as follows:
Dennis Hicks not on said rolls.
Mary Hicks not on said roll.
Leroy Hicks on page 120 No. 2976, Delaware District;
Dennis Hicks, Jr., on page 120, No. 2977, Delaware district; as Dennis Hicks.
Delana Hicks on page 120, No. 2978, Delaware District as Delaney Hicks.
Mabel Hicks on page 120 No. 2979, Delaware district.
Elmer Hicks on page 120, No. 2980, Delaware district.
The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Bettie Hicks not identified thereon.
The Kerns-Clifton roll examined, and the applicant Bettie Hicks identified thereon, page 163, No. 4035, Cooweescoowee district, as Bettie Holt.
Commissioner: What I would like particularly to know at this point is the status of the applicant's first wife, whereby hinges whatever claim he may have as an intermarried man and the claims of all these children.
Mr. Edgar Smith, attorney for applicant: That is what I want to clear up.
Mr.Smith: Who was your first wife? A Mary Ridge.

Q Who was her mother? A Katie Ridge.
Q Who washer father? A Henry Ridge.
Q Did she have any sisters or brothers? A Yes, sir.
Q Who were her sisters and brothers? A Cornelius Ridge, Phoebe Ridge, and Jesse Ridge, he is dead though.
Q Do you know Katie Ridge yourself? A Yes, sir.
Q How long have youknown her? A I knowed her first in time of the war.
Q Where does Kate Ridge live now? A She lives on the river.
Q What river? A Grand river.
Q How far from Vinita? A About 16, about 18 miles.
Q Has she been here during the sitting of the Commission at this place? A Yes, sir.
Q Do you know whether she made an application for the enrollment of herself or not? A Yes, sir.
Q How long did you and your wife live together here in the Cherokee Nation? A We lived together about 29 years in all; no, we lived together, been 29 years since we married; it is about 29 or '7 years.
Q Was thatup to the time of her death? A Yes, sir, up to the time she died.
Q Where did she die? A Here in Vinita; I don't know just exactly how many years.
Q You yourself don't know where your wife was during the war or in 1866? A Why she was during the war at Springfield.
Q Do you know of your own personal knowledge when she came back? A They came back right after the war; they left the place where theywere and said they were coming to the Nation, that is all I know about it.
Q What place was that? A Springfield, out in the country about four miles from Springfield; we lived right on the same house; we lived in that house about a year together.
Q When was it they said that, when did they leave and tell you they were coming back? A The year after they brought corn in down here to Gibson for the Indians, my father-in-law was hauling corn down here ~~in Sikeston~~ for them, and the next fall they moved, said they were coming to the Nation.
Commissioner: That was Springfield, Missouri? A Yes, sir.
Mr. Smith: Are you able to state what year that was in? A That was the year the war closed they hauled the corn in, and the next fall they moved.
Q And said they were coming to the Cherokee Nation? A Yes, sir; I didn't see them for a good while after that.
Q And when did you next see her? A When I came here in 1872, or I first met them again in Joplin, that is before I came down here, and I married down here in 1872.
Q Where did you marry? A Down here on Grand River.
Q Have you lived in the Cherokee Nation ever since that time? A No, sir, I haven't, I went backwards and forwards to Joplin, I took my family up there once, they were up there about two months, came to visit me; I was a blacksmith and I had to work out for a living.
Q And you were there about how long? A She was there about two months, I was there about six months.
Q Is there any one here who knows who your wife's mother was? A Yes, sir, everybody present.
Q Well we don't want all of them; who knows who your wife's mother was? A I can use Fred Martin and Mrs. Amy Bean.
Mr. J. S. Davenport, Cherokee Attorney: How long have you lived back and forth at Joplin? A I worked back and forth there about three or four yearsmyself; the most of the time she was away, all the time, and I wasn't there, I never was away from here but a few months at a time.
Q That was your place of business, of work? A Yes, sir, yes, sir,

there is where I worked.
Commissioner: What was your wife doing up at Joplin at that time?
A They lived up there a little while, they were living up there.
Q How far is Joplin from Springfield? A It is 75 or 80 miles.
Q How long had you been there when you met them at Joplin? A No, they were there when I went there, there was a great boom there and I went down there.
Q In what year was it you moved? A That was in '72.
Mr. Davenport: You say they were living there when you moved over there? A Yes, sir, they hadn't been there long though.
Q How long did they stay there after you met them? A They came right away that fall, I went down in the spring and they came away that fall.
Q How do you know that? A They said they hadn't, I don't know anything about it.
Q Mr. Smith: You stated I believe, when they left Springfield the first time they stated they were coming to the Cherokee Nation?
A Yes, sir.
Mr. Davenport: The next time you saw them after they left Springfield and said they were coming to the Cherokee Nation, was at Joplin, Missouri? A Yes, sir, that was a good while after they left Springfield.
Q They left Springfield and said they were coming to the Cherokee Nation, but the next time you saw them was in Joplin, Missouri, and in the same state of Missouri? A Yes, sir.

Amy Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your name? A Amy Bean.
Q How old are you? A 45.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Mr. Smith: Do you know Dennis Hicks, the applicant in this case?
A Yes, sir.
Q How long have you known him? A Well, I really don't know, I guess about 27 or 8 years ago I first got acquainted with him.
Q Did you know his first wife? A Yes, sir.
Q What was her name? A Mary Hicks.
Q What was her name before she married him? A Ridge.
Q Who was her mother? A Kate Ridge.
Q Where does Kate Ridge live now? A She lives on yonder side of Grand River.
Q What post office? A Spavinaw I think that is her post office name.
Q Do you know whether she is the same Kate Ridge who applied here the other day for enrollment? A Yes, sir, she is the same one applied up at the other table.
Mr. Smith: I will just ask to have the copies of the testimony in the Ridge case filed with this case.

Fred Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Fred Martin.
Q How old are you? A 43.
Q What is your post-office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know Dennis Hicks, the applicant here? A I do.
Q Did you know his wife, his present wife? A Yes, sir.
Q What is her name? A Bettie Hicks; it was Bettie Holt before he married her.
Q How long has he been married to her? A I don't know just exactly how long he has been married, something over 2 years.
Q Do you know them as husband and wife? A Yes, sir.
Q They are living together in that way, are they? A Yes, sir.

Q They are recognized in the community as husband and wife?
A Yes, sir.
Q How long have you known her? A Well, I don't know, I have known her a long time.
Q Was she ever married before she married this man? A I don't know.
Q Has she any children? A She has one to my personal knowledge.
Q But you don't know whether she has ever been married or not?
A No, sir I don't know whether she has ever married.
Q Have you ever known her to live with another man as husband and wife? A No, sir, except Dennis.

Dennis Hicks, recalled, testified:

Mr. Smith: Dennis, your present wife claims to be entitled to be enrolled upon the freedman roll in her own right? A Yes, sir.
Q What proof does she depend upon in her case?is that proof present this evening or not? A I don't know that it i , I think they are out west somewhere.
Q She will have to get that proof and make it in addition to the proof in your case, and it will all be one case then.

Commissioner: The applicant applies for the enrollment of himself, his wife and five minor children. The applicant is shown by the marriage license and certificate filed herewith to have been married in accordance with the Cherokee laws to his first wife, now deceased, one Mary Ridge, in 1882, they having previously beenmarried according to the testimony under United States law. The applicant is a colored man and he claims as a Cherokee Freedman by intermarriage. He states that neither he or his first wife were ever previously married. He is not upon any roll, and his first wife is not upon the roll of 1880 or upon that of 1896, or upon the Terns-Clifton roll.
Q How old was your wife, Mary Ridge, when she died? A She was about 42.
The Wallace roll examined, and Mary Hicks identified thereon, page 112, No. 2485, Coweescoowee district.
She is identified on the Wallace roll. Reference is made to the testimony as to her status, and also to the case of her mother, Nettie Ridge, Cherokee Freedman Doubtful card D 295 and the applicant will now be listed on a doubtful card as a Cherokee Freedman by intermarriage.
His present wife, for whom he makes application, Nettie Hicks, is identified on the Terns-Clifton roll, but not upon the roll of 1880 or 1896. But little testimony has so far been taken in her case, and to await further identification of the status of this woman, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's marriage to his second wife will also enter into his own right as far as he may possess a right by intermarriage, and it has been established by satisfactory testimony, but it is not entirely clear whether she was previously married or not, so far as it may effect his rights.

As for the five children named in the testimony, they are all five identified on the Terns-Clifton roll. These are the applicant's children by his first wife, Mary Ridge. They are living and to await the determination of her status, and for the further consideration of their case, they will now be listed for enrollment as Cherokee Freedmen on a doubtful card. The final decision of the Commission will be made known to the applicant at his post office address.

Mr. Smith: Do you know whether your present wife was ever married before she married you? A I don't know, sir.

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Bruce C. Jones, being duly sworn, says that as stenographer to the

Dennis Hicks C

Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce T. Jones.

Sworn to and subscribed before me this the 20th of May, 1901.

(signed) C.R. Breckinridge,
Commissioner.

SUPPLEMENTAL as to Bettie Hicks, D 555.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 11, 1901.

In the matter of the enrollment of Bettie Hicks as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellott & Smith, for applicant;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A Bettie Hicks.
Q How old are you? A Going on 58.
Q What is your post-office address? A Vinita.
Q What ~~firmation~~ district do you live in? A I live in two districts, Coowescoowee and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Anna was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q She married? A Yes sir.
Q She can apply for herself, have you any minor children you desire to apply for? A No sir.
Q Have you any witnesses here? A Yes sir.
MR. SMITH:
Q Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes sir.
Q Is she the same Easter Holt who applied here yesterday? A Yes sir.
Q Have you any brothers and sisters? A Yes sir, Sallie Miller, Josh Holt, Tecumseh Holt, Moss Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Where were you at the time the Civil War commenced? A At Webbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes sir.
Q Did you go out of the Cherokee Nation? A Yes sir.
Q Where did you go? A Fort Scott.
Q When did you return to the Cherokee Nation first after the war? A June, '66.
Q Where did you go to? A Ft. Gibson.
Q How long did you stay about Ft. Gibson at that time? A I were there something, over a year.
Q About how old were you at that time, in June, '66? A I don't know just how old.
Q Well were you grown? A Yes, sir, young woman.
Q You were not married? A No sir.

Q When did you marry first? A I didn't marry.
Q You are married now? A Yes sir.
Q How long have you been married? A Three years, September.
Q Up to the time you married three years ago, what occupation did you have, what was your business? A Just worked around.
Q What kind of work did you do? A Any kind of work, worked in hotel most of the time, Chamber work.
Q You were a Chambermaid? A Yes sir.
Q How long have you lived at Vinita? A I have lived in Vinita off and on since '78, up until '82, I left there, and then I went away and come back 12 years ago.
Q After you came back to Ft. Gibson, in '86 I believe you stated that you remained there about a year? A Yes sir.
Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to Big Creek where my mother was.
Q Where is Big Creek? A Up here. (Indicating.)
Q What nation is it in? A Cherokee Nation.
Q Do you know of your own knowledge when your mother and brothers, Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.
Q Left them where? A Ft. Scott.
Q What was your uncle's name? A Andy Daugherty.
Q You don't know actually when they reached the Cherokee Nation yourself? A No sir, but time I left them they were fixing to go away and I went to Ft. Gibson.
Q You didn't come back with them? A No sir, they went with my uncle, and I went to Ft. Gibson, because my sister was down there.
Q What was your sister's name? A Sallie Miller, is her name now.
BY MR. DAVENPORT:
Q You went with your sister? A No sir, my sister went first to Ft. Gibson.
Q How long after your sister went to Ft Gibson was it before you went? A Not very long.
Q Year or such a matter? A No sir.
Q You went to Ft. Gibson and stayed awhile, and then you went back to Ft. Scott? A Yes sir.
Q How long did you stay at Ft. Scott; when you went the next time?
Q Couple of months, probably longer.
Q When you left Ft. Scott that time where did you go? A I went over to Big Creek.
Q To what point on Big Creek did you go? A Where my Uncle Andy lived.
Q Where was your mother at that time? A At Uncle Andy's.
Q In what country? A Cherokee Nation.
Q What part of the Cherokee Nation? A On Big Creek there.
Q Was she near what is known as the Fall leaf place was? A. Close to there some where.
Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.
Q You have never heard of that name? A Yes sir, but I didn't know anything about him.
Q When you left Big Creek where did you go? A I come down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency, in the Creek Nation.
Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee
Q How long did you stay at Parsons? A Two years.
Q Parsons, Kansas? A Yes sir.
Q Then where did you go? A To Muskogee.
Q How long did you stay in Muskogee that time? A About five years.
Q After you stayed in Muskogee five years where did you go? A To Vinita.

Bettie Hicks 2

Q That was the time you speakof being in Vinita in '79? A Yessir
Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Eureka Springs, I was sick, and came back in 1880 and worked for Henry Eiffert.
Q You have been out since that time? A On a visit.
Q You have never been anywhere since 1880? A Just when I would go out to work.
Q How long have you worked out in seasons since that time? A I dont know.
Q You have been out several years, you worked at different places? A Yes sir, just little while at a time.
Q What places have you worked since that time, in the states? A I haven't worked anywhere.
Q You haven't been anywhere since 1880? A Yes sir, I was out, I left here about '82
Q Where did you go then? A I don't know where I did go.
Q When did you come back to Vinita after you left there in 1880? A In '88 I think.
Q And have beenliving there since that time? A Yes sir, right there, sir.
Q You don't know anything about when your mother came back to the country do you, as to what year it was? A No sir, I don't.
Q You know your sister Sallie came back before you did? A Yes sir.
Q You don't know when your brothers came? A They was withmy mother three little brothers.

BY COM'R HEEDLES:

Q When were you married? A It will be three years in September.
Q Is it your first time? A Yes sir.
Q When you were going out, in your testimony to Mr. Davenport, going out in the states working, were you a single woman? A Yes sir.
Q Your mother have a home at that time in the Territory? A Living with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be on the r1880 roll, but it can't be found.
Q On any other rolls? A On the Clifton roll.
Q What was your name before it was Hicks? A Holt.
Q What is your mother's name? A Essie Holt.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Q Yousay you have grand children? A Yes sir.
Q I thought you said you were never married to anybodybut Mr. Hicks, four or five years ago? A It will be three years in September. I have one daughter.
Q Has your daughter applied to be enrolled? A No sir, not yet.
Q She has got a child? A She has four children.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission of the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 20, 1901.

(signed)T.B.Needles,
Commissioner.

REMINDER OF THIS CASE TAKEN BY STENOGRAPHER, J.C.COSSON.

Supl 1 #3 8 Cont'd 1.

June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of BETTIE HICKS. Former portion reported by Stenographer M.D.Green.

APPEARANCES:

Messrs. Smith and Mellette, for applicant;
Mr. Davenport, for Cherokee Nation.

POLLY NIVENS, being sworn by Commissioner T. B. Needles testified as follows: EXAMINATION BY MR. SMITH, of Counsel for applicant:

Q State your name? A Polly Nivens.
Q Where do you live? A Fort Gibson.
Q How long have you lived there? A All my life.
Q Do you know Bettie Hicks this applicant? A Yes, sir.
Q How long have you known her? A I known her just a while before the war.
Q Was she a slave? A Yes, sir.
Q Whom did she belong to? A Old Lady Holt I suppose.
Q Was Mrs. Holt a Cherokee? A Yes, sir.
Q Where did she live before the war? A She lived at Webbers Falls on this side of the river.
Q Where was this applicant, Bettie Hicks, at the time the war commenced, do you know? A I don't know, sir.
Q How long before the war had you seen her there at Holt's
A I was a good little while before the war; when the steam boats was running she was coming up to my Mistress' on a visit.
Q Do you know how long that was before the war? A No, sir, I dont
Q When did you see this applicant, Bettie, in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
Q When was that? A That was when the Refugees was drawing; I was in there cooking for the refugees, cook for the Commissary clerk
Q What were the Refugees doing? A They was issuing rations and the Clerk was issuing rations to them and I was cook for him.
Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
Q Had you been out or remain in the Nation? A I remained in the Nation, I just went out on Bylar Town and come back before peace was made.
Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and Freed an too.
Q Are you a recognized citizen? A Yes, sir.
Q On the 1880 roll? A Yes, sir, always has been.
Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it wasjust after peace was made and they ordered them all to come in.
Q When you saw her? A Yes, sir.
Q How long did they issue these rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and begin; I could not tell how long I cocked about two years right along there.
Q Right soon after peace was declared? A Yes, sir, right after peace was declared.

BY MR. DAVENPORT:

Q Was she a grown young woman then? A Yes, sir.
Q Now, you saw her owner one time before the war when her Mistress come up to your Mistress' house? A Yes sir.
Q What was she doing up there? A She was waiting on her.
Q How many girls would she usually carry with her? A She cometimes would have one.
Q How many waiters did she have up there? A One.
Q Didn't you testify in the Sallie Miller case yesterday?
A Yes, sir.
Q Now when you testified in that case yesterday, didn't you testify that Sallie Miller was with Mrs. Holt when she visited your mistress at Fort Gibson as the waiting girl for Mrs. Holt? A Yes, sir, that is right.

BY MR. SMITH:

Q Did Mrs. Holt; what do you mean by that, now you saw Mrs. Holt brought Sallie up there? Sometimes bring Sallie andsometimes bring Bettie.
Q Did she make more than one visit? A Yes, sir, she visited more than once.

Q Well when you spoke of Mrs. Holt having brought Sallie up there as her waiting girl was that the same trip you are talking about now? A No, sir; they come up several times, come on the steam boat named pilot.

BY MR. DAVENPORT:

Q They came quite often to visit Mrs. Nivens? A Several times, we went down there several times.

Q She carried you with her? A No, sir, not every time.

Q Then you have been down there and seen her? A Yes, sir; I have been to Mrs. Holt's that is right.

Q And Holt's lived in Flint District didn't they? A The Holts I am talking about lived at the Falls.

Q You don't know whether theyhad ever lived up in Flint district? A No, sir.

HARRY STILL, being sworn and examined testified as follows

BY MR. SMITH:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q How old are you? A 54.

Q Do you know this applicant, Bettie Hicks? A Yes, sir.

Q Did you know her before the war? A Yes, sir.

Q Do you know whom she belonged to? A Belonged to Bill Holt.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q When did you first see this applicant, Bettie Hicks, in the Cherokee Nation after the war? A About '79 I believe.

Q Where was that? A Vinita.

Q Have you known her, or rather have you known anything of her whereabouts since that time? A Yes, sir.

Q Have you seenher often or a few times? A Often from the time I come to Vinita.

BY MR. DAVENPORT:

Q Where was Bill Holt living when you knew this woman athis place?

Q His home was, Bill Holt, was down here on the Arkansas, where I saw this woman.

Q What part of the Arkansas? A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Canadian District, I reckon.

Q Near what point that you can name? A It was not far from the ranch there.

Q Don't know where the Whitmire Ranch was? A It was on the Arkansas river there, I know I saw Bettie distinctly.

Q On what side of the Arkansas did you see this Bettie as a slave of Bill Holt? A I don't know which side; I think it was on the other side

Q You were there at his place wasn't you? A No, sir, he was at our place.

Q Did he have all his darkies down there? A He didn't have all of them, I saw Bettie.

Q Where was Bettie when you saw her? A I don't know.

Q How old was she when the war broke out? A She was grown woman.

Q Grown woman? A Looked like to me.

Q And you don't know where it was you saw her? A I don't know, I know distinctly I saw her when I went to Kansas.

Q How many sisters had Bettie? A She had Sallie.

Q Whichis the older Sallie or Bettie? A I don't know, I think Sallie is the oldest.

Q And you don't know which side of the river Bill Holt's place was on? A No, sir.

Q Which side of the river was Whitmire's ranch ? A On the North side.

Q And Vian Creek? A On this side I reckon.

Q And on which side of the river was Bill Whitmire's ranch on?

A On the East side, towards Fort Smith.

COM'R NEEDLES: In this action the attorney for the applicant prays that the testimony taken in the case of the ap-

Supl FD#355 Cont'd 3 (6)

plication of Joshua Holt for enrollment as a Cherokee Freedman be made a part of the record in the case at bar; said Joshua Holt having been listed for enrollment on Doubtful card #644, and a copy of said testimony will be filed with the testimony taken in the case of the applicant.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 24th dayof June, 1901.

(signed)T B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 7th, 1901.

Commissioner.

To be filed in CFD-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your post office? A Tahlinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 14 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. SMITH:
Q Where do you live? A I live in Saline District, Cherokee Nation
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
A Yes, sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did marry marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q When did you come back to the Cherokee Nation first after the war? A Come back in '66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you if any one? A My father and mother and my family, of my father and mother.
Q Well, what numbers of your father's and mother's were with you; you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoebe and Mary and a brother, Jesse.
Q Is Jesse alive A No sir, he is not alive.

Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3865, Cornelius Ridge, Cooweescoowee District.
Page 157, #3880, Pearl Ridge, Cooweescoowee District.
Page 157, #3881, Jesse Ridge, Cooweescoowee District.
Page 157 #3882, Myrtle Ridge, Cooweescoowee District.

The Wallace Rollof Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 153, #3185, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a state woman.

Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Nowata? A Yes, sir.

BY MR. HASTINGS:
Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother in at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect thought it is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Mr. Polston's wife was your Mistress? A She was a sister to my Master.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's Prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not right positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q [illegible] A I don't hardly remember, don't seem to me

like there was an orchard; might have been, I won't be sure.
Q Who did you say your Master was? A Herman Ridge.
Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.
Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army
Q Well, where was he living just before he joined the army?
Q I don't know sir, I could not tell you?
Q Well now, you came back here did you with your father and mother?
A Yes, sir.
Q Now what was the first point you came to? A In the Nation?
Q Yes. A On Honey Creek.
Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.
Q That is the point you came to was it? A Yes, sir.
Q That was near your old home? A Yes, sir.
Q You come right back to the old home didn't you? A No, sir, not right exactly.
Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.
Q Did you build a house? A No, sir.
Q How did you live there? A Went into a house that was there.
Q That was vacant? A Yes, sir.
Q How long did you live there? A Well, sir, I expect we were there something like three or four months.
Q Then where did you go? A Went to Missouri.
Q Joplin? A Yes, sir.
Q You were married at Joplin, weren't you? A Yes, sir.
Q Whatis your oldestchild's name? A Ida.
Q Is she living? A Yes, sir.
Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.
Q Well, isn't Henry older than Ida? A No, sir; he is younger
Q And where was Ida born? A Ida was born on Grand river.
Q Near what place? A On Lynch's prairie.
Q How long after the war was it until you come down to Lynch's prai ie? A How long after the war you ask me?
Q That is the question. A I don't know, something about like three or four years.
Q George Clark was living right near you then? A Yes, sir, George Clark was living there.
Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sira
Q And you lived there you say about two or three months? A Yes sir.
Q Now, what kind of a house was that you moved into? A It was a log house.
Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.
Q Did you go to the old place while you were there? A Polston place; yes, sir.
Q Who was living there? A Dr. Polston.
Q Was his wife there with him? A Now, I am not right sure; let me think over that a little; yes, sir, I think she was.
Q Did she have any children there? A Yes, sir.
Q Do you know their names? A No, sir, I don't.
Q What did you do for a living down there? A Didn't do anything.
Q Do you remember any citizen you saw down around there? A No, sir, I don't remember any one.
Q Where did youget anything to eat? A Brought provisions with us.
Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Q You never worked for anybody? A Never done a day's work for anybody as I knows of.
Q Well, what year were you there? A We were there in the fall.
Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewheres along about there.
Q Were you up about that town there while you were down there on Honey Creek? A No, sir.
Q You didn't go to any town? A No, sir; what do you mean, Southwest City?
Q Yes, sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.
Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.
Q None except polston? A No, sir, that I can remember now.
Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know of.
Q Was there any field connected with your house you lived in?
A No, sir.
Q What did you get water out of, creek, spring or well?
A Spring.
Q What direction was the spring from the house? A Well, sir, I don't know.
Q You don't remember? A Appears to me though like the spring was east, not to be positive.
Q How far was the home place from Honey Creek? A I presume something near a mile and a half.
Q Were you north or south of the creek? A Well I would say south.
Q Dennis Hicks' wife was your sister? A Yes, sir.
Q Was she older or younger than you? A Younger.
Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.
Q Did she go this round with you? A Yes, sir.
Q Your mother was with you? A Yes, sir.
Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.
Q Before the war? A Yes, sir, I think she was.
Q Well, now in all these round you want your father and mother and all the members of your family would go with them? A Yes, sir.

BY COM'R MEEDLES:
Q Well, you apply for your wife as an intermarried citizen do you?
A Yes sir.
Q When were you married to her? A I don't know sir, about '67 I guess.
Q Have you been living withher continuously since that time?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q Where were you married? A Married in Missouri.
Q She is a state woman? A Yes, sir.
Q Where were you living in 1867? A In Missouri.
Q Brought your wife back with you when you come? A Yes, sir.

BY MR. HASTINGS:
Q Joplin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:
Q What time, Cornelius, did you leave the Cherokee Nation after you came here in 1866: how long did you stay here in 1866? A We came in [illegible] and left after Christmas.

Cornelius Ridge et al 5.

Q Were you a marriedor unmarried man at the time you came here in 1866? A Unmarried.
Q Why did you leave the Nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go to? A Went to Joplin, Missouri.
Q How long did you stay there? A About three or four years, I presume.
Q And then where did you go to? A Came on Grand river.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since? A Yes, sir.
Q In the meantime you had married? A Yes, sir.
Q Did you bring your wife back here with you when you came? A Yes, sir.

BY MR. HASTINGS:
Q What time did you say you came back? A From Missouri?
Q Yes. A In about three or four years I guess.
Q After you went up there? A Yes, sir.

COM'R NEEDLES:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken i the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedman card D #355, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D. Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail as to the final decision of the Commission.

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J.C.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.C.Rosson.

Subscribed and sworn to before me this June 17th, 1901.

(signed)T.B Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

Subscribed and sworn to before me this September 5th, 1901.

Commissioner.

To be filed in CFD-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May, 15th 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedmen; she being sworn by Commissione T. B. Needles, testified as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 84, I was 15 when the stars fell
Q What is your post office address? A Spavinaw.
Q Is that in Delaware District? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolle besides yourself? A No one sir

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come home he s there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you grom from Springfield to Joplin or did you come here first? A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By L. B. Bell, Cherokee Representative:
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge
Q Did you know old Peter? A Yes sir he was my brother in law.
Q Did you know Dr. Polson? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was

Down to Polstons then and then back to Fayetteville Herman Ridge and Polston's wife was brother and sisters.
Q Didn't you live out closer to Bentonville than to Fayetteville?
A My Mistress lived there away after they killed John Ridge, she went from Honey Creek to near Bentonville then.
Q How long did you live on that farm? A I dont know.
Q When did Polston live on that farm? A I dont know exactly.
Q How long had he been living there when the war broke out? A I dont remember.
Q Several years? A I dont know.
Q You dont know nothing about it? A I dont know of him all the time.
Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.
Q Well tell me where he lived then? A In Fayetteville.
Q That is in Washington county? A I didn't know.
Q He was Mrs. Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.
Q Where is your husband ~~name~~ Henry? A He is dead, he died in small pox time.

By the Commission-
Q Where did your master die when he was killed? A Somewhere in the Territory- he was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.M. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.
Q How old are you? A 71.
Q What is your post office address? A Spavinaw.
Q Are you a recognized Freedman of the Cherokee Nation? A Yessir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I dont know how long it had been I knew her before the war.
Q Who did she belong to? A Mr. Ridge.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he an Indian? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war? A I dont know.
Q Where did you first see her after the war? A On Honey creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her master was who? A Herman Ridge.
Q Was he a single man when he was killed? A I dont know.
Q Do you know of him ever living outside of the Cherokee Nation? A I think he did.
Q Was he living in Arkansas? A Yes sir.
Q Was that before the war? A Yes sir.
Q Who did he live with in Arkansas, his father and mother? A I dont know.

By L.F.Bell:

Katie Ridge 3.

Q What time of the year was it you say he applicant on Honey Creek in '66? A The summer of '66, I dont know just what time, but it was in the summer time.
Q What was you doing there? A I went to South West City.
Q You saw this woman where? A At the old place, Dr. Somebody owned it then.
Q Was he there? A No sir.
Q How far is that from South West City? A Taint very far, I dont know just exactly,know exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Baties Prairie.
Q Where did you come here first after the war? A The first time I came was in '65, and then moved here in '66.
Q What time in 66 did you move here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Cooweescoowee District.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

* * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, I. T.

(signed)T.B.Needles,
Commissioner.

M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green.

Subscribed and sworn to before me this September 4th, 1901.

Commissioner.

C-D-E FD 362

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MILLS
SEP 15 1901

Supper and Mrs. Lucy Supper.

Chief Clerk.

POOR ORIGINAL

To be filed with case of

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:
Mr. Smith, of Kellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Joshua Holt.
Q How old are you? A 52.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q She can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Maucelia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q Whatwas your wife's father's name? A Anderson Johnson.
Q Was he a Cherokeefreedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the CherokeeNation examined and applicants identified thereon as follows:
Page 147, #3639, Josh Holt, Cooweescoowee district;
page 147, #3640, Laura Holt, Cooweescoowee district;
page 144, #3576, Jane Holt, Cooweescoowee district;
page 147, #3641, Ella Holt, Cooweescoowee district;
page 147, #3642, Jessie Holt, Cooweescoowee district;
page 147, #3643, William Holt, Cooweescoowee district.

Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."
page 117, #2477, Jane Holt, "Fort Scott, Kansas."
page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Esther Holt.
Q How old are you? A Along about 85.
Q What is your post office? A Vinita.
Q What district do you live in? A Cooweescoowee.

APPLICANT recalled, and further examined: By Mr. Smith:
Q How old are you? A 52.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Edna, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Edna Kansas
Q You think it is nearer what is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again
Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1899.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to '99? A Yes, sir.
Q Do you mean '99, three years ago? A 1889.
Q Then you were mistaken when you said 1899? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Mauselia? A They are living in Vinita.
Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.
Q They are living with you? A Yes, sir.
Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
Q Where does your mother live now? A Vinita.
Q How long has she been living at Vinita? A I guess 13 or 14 years
Q Was your mother a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q The same persons you have mentioned i n your own testimonyL
A Yes, sir.
Q Where was your mother when the Civil War commenced?
A Webbers Falls, Cherokee Nation.
Q Did she or did she not go out at the same time you did?
A She went out at the same time I did.

EXAMINED BY COM'R MEKDLES:

Q Do you live i n Vinita? A Yes, sir.
Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes,sir.
Q You identified that you married her in 1889? A 1889.
Q Your oldest child is 19 years of age, you have given, Laura?
A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
Q Did you then say anythint about their being your step-children?
A I think I did, I am not sertain.
Q What was your wife's maiden name? A Jane Johnson.
Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.
Q How old is she? A I think she is now about 32 years old, 30 or 32.
Q Who was her father? A Anderson Johnson.
Q Who was her mother? A Dinah Johnson.
Q Where did you marry her? A Cooweescoowee district, Big Creek.
Q Who married you? A Peter Keigs.
Q Does she claim to be a Cherokee freedman? A Yes, sir.
Q Freed woman? A Yes, sir.
Q Did she apply before to the Kern-Clifton Commission? A Yes,sir.
Q By what name? A In 1896?
Q Yes, sir? A Jane Holt.
Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.
Q But you came from Ft. Scott down to Vinita? A Yes, sir.
Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.
Q But your wife was with you? A Yes, sir.
Q What was you doing up there? A I was cooking up there.
Q Who for? A Man named W. H. Robinson.
Q He was living there was he? A Yes, sir.
Q Colored man? A No, sir, he was a white man.
Q How long had you been in Ft. Scott when you came to Vinita?
A 1889 I believe it was '88 or 9.

Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.
Q You don't know how long you had been up there? A Not exactly.
Q About how many years? A I tell you I don't know.
Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
Q Were you up there more than a year? A I don't think I was.
Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
Q Yes? A Why certainly not.
Q Then you deny positively that you were there more than two years? A Yes, sir, I do, at a time.
Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
Q Have you been living in Vinita since 1889? A Yes, sir.
Q All the time? A Except when I was out working.
Q Where were you out working? A I were out at Lawrence, working and I was at Pabla and I was at Weir City, Kansas, working.
Q Where else were you working? A I worked there at Chetopa.
Q Working in Ft. Scott? A Since '89?
Q Yes? A I don't think I have.
Q How much of this time since 1889? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
Q How many years? A Well all the way along.
Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out aI tell you
Q I want to know how much time you have been working out?
A I could not tell you that, because I don't know, but altogether would not make a year.
Q Where was your wife at that time, in Vinita all this time?
A Was in Vinita.
Q Didn't she out with you when you worked out? A Not since [illegible].
Q Where was this next child Willard born? A In Vinita.
Q Where was the next, Clifford? A In Vinita.
Q Where was Mancelia born? A Vinita.
Q All four of these children were born in Vinita were they?
A Yes, sir.
Q Who did you come down to the Cherokee Nation with after the war?
A Andy Daugherty.
Q Didn't Andy Daugherty have a place down therw when you came?
A Yes, sir.
Q He had a house up? A Yes, sir.
Q He had a patch of corn in? A Had a little corn in.
Q When you come? A Yes, sir.
Q Who else had a house down there when you come? A I rhink Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
Q George Duffin? A I think so, I am not certain.
Q Was Uncle Reuben Ward living down there then? A I don't know.
Q Was Reuben and Tuck Sanders? A Yes, sir.
Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
Q Didn't all these people that you have mentioned have corn?
A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did
Q What time did you come there? A In August.
Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
Q She came down with you did she? A When she first came from Kansas? Yes.
Q How long did she stay down there? A I don't know how long she stayed altogether.
Q How long did she stay before she went back? A She probably stayed a year.
Q Then she went down t o Ft. Scott? A Yes, sir, and worked a year and come back again.
Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
Q You didn't live in a Government building up there? A I didn't.
Q Did your mother? A Not as I know of.
Q You didn't live with her up there? A I was with her up there, in '64 and 5.
Q After that time were you with her? A I was with her at the Daugherty's when she was there.
Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there ans she were working up there.
Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
Q What year was that? A I can't tell you.
Q Did you see her in '66? A We come down here in '66.
Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
Q Did you see her in Ft. Scott, Kansas, in the year '67?
A No, sir,
Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
And you were there? A I think I come through Lawrence and I see her first one place and another.
Q And where was your brother, Tecumseh A I think he was living up there.
Q You never made a home in Kansas? A No, sir.
Q Never had one? A Yes, sir, I built one about two years ago.
Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I bui lt a home two years ago.
Q You never had a separate house there on Big Creek? A No, sir.
Q I want to know where you lived frbm '66 to '89? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Vinita.
Q Where was your mother then? A She was at Daugherty's.
Q How much of this time has she lived at Daugherty's? A I don't know.
Q You know Jim Foreman A I do.
Q Did you ever know him in Ft. Scott? A I did.
Q Did you know him there in '68? A I knew him there in '64 and 5.
Q Do you know Simon McKinsey? A I did.
Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
Q When did you know him? A '64 and 5.
Q Did you know him about '66? A I saw him after '66.
Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
Q Did you see him during the year of '66, '67, '68 or '9?
A I didn't see him in '66, and I never saw him in '67 or 9.
Q Did you see him in '68? A No, sir.

Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Married in 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in these days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
By Com'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been married before she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes, sir.
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that? A No, sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house? A I was at the house.
Q Did she take household furniture with her? A Didn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew living? A He is dead.
By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And when you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?
Mr. Hastings: I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
Q At whose house? A At Andy Daugherty.
Q Was he related to you? A My uncle.
Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
Q Where? A Vinita.
Q What kind of work did your morher do? A She was washing out and sometimes cooking.
Q Did you have sisters? A Yes, sir.
Q What were your sister's names? A Sallie and Bettie.
Q What is Bettie's name now? A Bettie Hicks.
Q Who was she married to? A Dennis Hicks.
Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.
Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
Q Do you know of your own personal knowledge when Sarah came back? A No, sir.
Q You know whether they were slaves before the war? A Yes, sir.
Q Who did they belong to? A Bill and Kellie Holt, same man I did.
By Com'r Needles: You say you were living on Big Creek?
A Yes, sir.
Q No town there? A No, sir.
Q Were you a farmer? A No, sir.
Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.
Q How long did you live there? A I pulled out from there in '85.
Q You made that your headquarters then? A Yes, sir.
Q Your uncle was a farmer A Yes, sir.
Q You didn't promned to farm yourself? A No, sir.
By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
Q And your mother? A Yes, sir.
Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
Q Your two brothers and your mother and yourself? A Yes, sir.
Q You never lived in separate houses? A No, sir.
Q Where was your sister Bettie married? A She was married in Vinita.
Q When? A I don't know how many years ago it has been since she got married.
Q Since you came there? A Since I have been in Vinita, yes sir.
Q Hadn't she ever been married before ? A No, sir, not to my knowing.
Q Where did she come from when she come to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.
Q Your sister older than you? A Yes, sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No, sir.
Q She didn't live with you there in '8?, 8 and 9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee Named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee ? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forget whetheryou stated your wife's father and mither were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you marriedher or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Needles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.
Q Who married you? A Peter Meigs.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camp who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.
Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her [illegible] a child.
Q You know whether she lived with a man as husband and wife by whom she had the [illegible] children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
Q You lived at Webbers falls when the war came up? A Yes, sir.
Q You went out north? A Yes, sir.
Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken us out.
Q Were you living with Will and Nellie Holt at Webbers falls?
A Yes, sir.
Q Did they have children? A Yes, sir.
Q What were their names? A Tempy Whitmire, Johnson Whitmire's wife.
Q How far did you live from Webbers falls? A I lived about a mile and a half on the other side of Webbers falls.

APPLICANT'S MOTHER re-called, and further examined,
By Mr. Hastings: Aunty, where do you live now? A Vinita.
Q Who do you live with over there? A I live with my son.
Q What is his name? A Tecumseh Holt.
Q Tecumseh got a wife? A Yes, sir, he has got a wife.
Q What is her name aunty? A Named Sarah Holt.
Q Got some children? A Got one.
Q How old is it? A I don't know.
Q About how old is it a child grown? A Yes, sir, it is grown.
Q Is the child married? A No.
Q Boy or girl? A She is a girl.
Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
Q You were present when he married? A No, sir, I think he married in Oswego.
Q You wasn't there? A No, sir.
Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
A Yes, sir, when I did come down there.
Q Now aunty, when did you come down there, how many years ago?
A My brother went up there and brough me down and three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
Q And you came did you? A Yes, sir, I come in his wagon.
Q Did he have a house here at that time? A Yes, sir.
Q He had a little field? A Yes sir, small field.
Q What was your brother's name? A Andy Dougherty.
Q There was other people living around in the neighborhood were t here? A Yes, sir.
Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I don't remember.
Q Warm weather or cold? A I don't know whether it was warm or cold.
Q How long had your brother been living down here when you came?
A I don't know, he was living down here and had his house built when he brought me down.
Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
Q How long did you stay down here with your brother at that time?
A When he brought me down?
A Yes? A I stayed a year or two, I don't know.
Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
Q You lived in a Government building didn't you Aunty? A Yes, I rented up there, took in washing.
Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.
Q How long was it until you come down to visit your brother again? Did you ever see him any more? A After I went up there?
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
Q You never had any home down here A No, I made my home with him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
Q Never had no children by any other woman A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spend pretty near all your days haven't you aunty up to the Wallace court? A No, sir.
Q Did you work any down here beofre the Wallace Court? A No, sir, I haven't worked before the Wallace court, I have never been able broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no work here to do.
Q I say about all the work you done was in Kansas? A No, not all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go,
By Mr. Smith: How old are you, Aunt Esther? A About 85, that's the age they give me; I don't know my age; I was 16 years old the time the stars fell and the Commissioners have been trying to get my age from that, I don't know.
Com'r Needles: That was '32 when the stars fell; I was there myself and saw them fall.
Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Holts and Nellie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers falls.
A how many children had you at the time the war commenced, besides Joshua? A Sallie and Betsy and Mosis and Joshua.
Q And who do you live with now A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bettie married now? A Yes, sir.
Q Who is she married to? A Dennis Nicks.
Q Where is she living? A In Vinita.
Q What is Sallie named? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you gave born slaves? A Yes, sir
Q Who did they belong to? A William Holts.
Q Same person you belonged to? A Yes, sir.
Q What was it you said about your brother coming after you up in Kansas, and about a treaty? A He went up there to buy provi sions everything in this nation was scarce at that time; he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.
Q And you? A Yes, sir brought four.
By Mr. Hastings: Bring your daughter Sallie? A No, sir, she was down here long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:
Q Esther Holt your mother? A Yes, sir.
Q She is the witness that's on the stand here now? A Yes, sir.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes, sir.
Q She went to Kansas didn't she? A Yes, sir.
Q When did she return? A '66.
Q Returned with you? A Yes, sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.
Q She never got back to Kansas afterwards? A Yes, sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.
Q Did she have a home in this Nation? A No, sir.
Q Who was she living with? A Wither mother up on Big creek except when she was working out.
Q Was she married then? A No, sir.
Q Her husband wasn't living then? A No, sir.
BY MR. HASTINGS: How long has Recumseh been living in Vinita?
A I don't know how long he has been living in Vini ta.
Q Well, your best judgment, has he lived there five years?
A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)
Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 18th, 1901.
(Signed) T. B. Needles,
Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROSSON.

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JOSHUA HOLT, et al., Application continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:
Messrs. Mellette & Smith, for Applicants;
Mr. W. W. Hastings, for Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

Q State your name? A Moses Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well give us your best idean, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know whom he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name? A Columbus McNair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I knew him just a little before the war come up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a CherokeeIndian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Cherokee Nation after the war? A Well, sir, I just can't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here on Verdigris.
Q At what place? A Goosenock Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No, sir, I don't.
Q Did you know his mother, Esther Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1866 A No, sir, I don't.
BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.
Q Where did Joshua Holt and hismother live? A In Illinois district.
Q How far was that from you? A When I got acquaintedwith them I was working at John Daniels' in Canadian district.
Q How far were you working from him? A Just across the river there at John Daniles at the old place.
Q You were working there when the war came up? A Yes, sir.
Q And you knew these people? A Yes, sir.
Q You didn't see them for years after the war? A No, sir.
By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.
Q What was their names? A Anderson Johnson was her father and Dinah was her mother.
Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.
Q Do you know whether they were married or not? A No, sir.
Q Do you know they lived together as man and wife? A Yes, sir.
Q How long? A I can't say, they were living together when I saw him.
Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.
Q Where was that? A It was on Big creek when I got acquainted with him.
Q After the war? A Since the war.
Q You never knew them at all before the war? A No, sir.
Q You know Jane you say? A Yes, sir.
Q where was Jane living when you first knew her? A She was living there with her father.
Q Was she married? A No, sir.
Q Living with her father Anderson? A Yes, sir.
Q Do you know whether Anderson went out of the Nation during the war? A I wasn't acquaintod with him.
Q Don't know whether he went and when he came back? A No, sir.
By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.
Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.
Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 15 years anyway.
Q How long has his mother? A She has been there about as long as he has.
Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.
Q The Wallace court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:
Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.
Q In what army? A In the 44th or 48th United States Infantry Colored, 48th I think.
Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation? A '66.
Q How do you know that? A I saw him on Big creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him? A She was born on Big creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you came or you come before him? A He was there when I come.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the test mony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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Supplemental Testimony in C.F. D.#644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muwata, I. T., June 29th, 1901.

Mellette & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles, testified as follows, for the applicant: By Mr. Smith:
Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know hiw wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhousen family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Hoshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Myst have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes sir.
Q Was it Ruth? A Yes, sir.
Q Where were these children born and raised? A On Big creek mostly.
Q How long has Jane x been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnsn came back to the Cherokee Nation? A Yes, sir, In '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '78.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir, I never knowed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.
Q What part of the Nation did he come to? A Big creek.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q On the roll of 1880? A Yes, sir.
BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a state raised woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Funkhouse.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him who he came with you folkd?
A Not the first time.
Q What time was it that he came down with you, what time of the year? A Long in '66, long in the month of August.
Q Was that w hen some of you men folks come in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't you b e postivie as to whether that oldest child was born in the Cherokee Nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A 7 miles, between 6 and 7 miles close to Albert Morris.
BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q As much as six months? A Can't have been any longer.
BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee Nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A With us in our wagon.
Q When? A Long in the summer of '66.
Q Was he married then? A He was not.
Q When did you first become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.
Q Where do you live? A On Big Creek.
Q How far did you live from where Anderson Johnson was killed?
A About 7 miles.
Q Did they have any children, Anderson and Dinah? A They had several.
Q Any girls? A Yes, sir.
Q Do you know the name of the oldest girl? A I don't know if I do or not.
Q What are the names of those you remember? A Mary, I don't know much about the girls.
Q Do you know if any of these children are married? A One is married to Josh Holt.
Q Where does she live? A In Vinita.
Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.
Q How long since he was killed? A I think about 16 years.
Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.
Q How were they recognized by the neighbors there? A As man and wife.
Q Do you know when these children of theirs were born? A No, sir.
Q Were they born while they were living together as man and wife?
A Yes, sir.
Q Where were they born? A On Big Creek, there where they lived.
Q In the Cherokee Nation? A Yes, sir.
Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.
Q Do you know whether she is the oldest child or not? A No, sir, I don't.
Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.
Q You all first came down in August and then went back?
A Yes, sir.
Q You say Anderson wasn't married then? A No, sir.
Q His wife was up in Kansas then? A She wasn't his wife at that time.
Q The woman that he afterwards married was in Kansas then?
A Yes, sir.
Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.
Q Did you know his wife before she married him? A Yes, sir.
Q Where did she live? A There in Fort Scott.
Q And your recollection is that some 4 or 5 years after you all came down that she came here as Anderson Johnson's wife?
A Yes, sir.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 13th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

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To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:
Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:

Q What is your name? A Sam Webber.
Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
Q You know whether they were ever married or not?
A I couldn't tell you about the wedding, they were living together as man and wife.
Q So recognized by the community? A Yes, sir.
Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
Q You know this girl's sister, Mary Johnson? A Yes, sir.
Q At the time she was born were they living together as man and wife? A Yes, sir.
Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
Q You testified a while ago in the Mary Johnson case? A Yes, sir.
Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
Q When was it? A I don't believe I can tell you just when that was.
Q How long after the war was it? A I couldn't tell you that and be positive in it.
Q Was Anderson Johnson married man when he first came there?
A No, sir, he was a single man.
Q It was sometime after that when he married? A Yes, sir.
Q Had he been married up to that time? A Up to what time?
Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.
Q You remember just what year he got killed? A No, sir.
Q You don't remember just about how long after he come down there?
A No, sir.
Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.
Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of of course I didn't rtry.
Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together?
A I don't know, I couldn't be positive about that.
Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any
Q Do you have any idea how old this woman is, (indicating applicant
A No, sir, not exactly.
By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.
Q Did they raise a family there? A Raised them right there on the creek, three children.
Q While they were living togetheras man and wife they raised a family? A Yes, sir.
By Mr. Hastings; You don't know where he got the woman?
A No, sir, I couldn't tell you.
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Cooweescoowee district.

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SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)
Q Did you know Jane Holt? A Yes, sir.
Q Whose wife is she now? A John Holt's.
Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
Q And the mother? A Dinah I said.
MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.
(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.
(Signed) T. B. Needles,
Commissioner.

J. O: Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J O Rosson

Subscribed and sworn to before me this September 12th, 1903.

Commissioner.

[illegible] with case of [illegible] A. [illegible], C. R. #362.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of [illegible] as a Cherokee freedman, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.
Q Where do you live? A I live up Pryor Creek, about five miles north of Prior Creek.
Q What is your age? A I am 5[illegible].
Q How long have you lived in the Cherokee Nation? A Been living here all my life, only few times I have been out of the Nation.
Q Well, you were out of the Nation; when you were out of the Nation what places were you in? A When I was out of the Nation I lived at Fort Scott, Kansas.
Q What year did you live in Fort Scott, Kansas? A I lived there 1865 down to 1866, '67 and down to spring of '68.
Q During the years you lived there did you become acquainted with Nellie Miller, or Holt, or Walker? A Yes, sir, I was acquainted with one lady named at that time Nellie Holt.
Q Do, did you know her family at that time, her mother?
A Yes, sir.
Q What was her mother's name? A Aunt Easter Holt.
Q Did you know any of her brothers? A Tecumseh and I forget the other one's name, was another one.
Q Do you know whether it was Moses or Joshua? A Yes, sir, Moses and Joshua.
Q Did you know any of her sisters? A Yes, sir, but I forget their names.
Q Now, where were they living, do you know, during the years you lived at Fort Scott? A They lived in an old Government building right in Fort Scott.
Q You went there in 1865? A In '65
Q How long had you been there before you knew these people, or got acquainted with them? A I was there about a month or two or three months, I could not state the time.
Q Well, where were they living when you left Fort Scott, Kansas, do you know? A Well, Aunt Easter was living in an old Government building.
Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie, you don't know that the woman who is an applicant here for enrollment is the whoman whom you say you saw up at Fort Scott, Kansas, at the close of the war, do you?
A I don't know the woman.
Q You don't know that that is the same woman? A In the same name.
Q It is not the same name? A She name Holt.
Q Well, you don't know that this is the same woman that you knew up there, do you? A Well, it was a daughter of Easter Holt, it was Nellie Holt.
Q Mr. [illegible] you don't know anything about this applicant; you have never seen this applicant here? A I haven't seen her here.

Q Well, you have never seen her since she has made appli cation here for enrollment have you? A No, sir.
Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
Q In the Spring of '68? A Yes, sir.
Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing putlic work there.
Q Did you keep track of these colored people? A All I saw.
Q Did you ever testify in this case before? A I guess I did.
Q When? A Not long ago at Fort Gibson.
Q You give testimony up at Fort Gibson? A I thi nk I did.
Q How long ago? A I don't know exactly whether it was last month.
Q How old are you, Mr. McKenzie? A I am 59.
Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago A Well, I guess I could remember it, I statedbefore.
Q There is no reason why you paid particular attention to them?
A No, just seeing them pass and repassing about.
Q You left there in the spring of '68? A Yes, sir.
Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
Q Well, now, off and on there, you saw them? A Every week
Q Can you remember 35 years ago you saw these people every weeks?
A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
Q Well, you feel because you are here you have to testify something?
A I don't know.
Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
Q Is it possible they might have left there a year before you did?
A If they did they went back in a short time.
Q What were you paying so particular attention to those people for?
A I could not tell you.
Q You just watched them? A Well, just seeing them pass and pass every day.
Q Who else did you see up there at Fort Scott? A Why I see good many.
Q What other coloredpeople? A Good many. Good many other colored people, but I don't know their names.
Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
Q There were a great many coloredpeople in Fort Scott?
A Yes, sir.
Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
Q Well, who else lived in the Government building there?
A Good many families.
Q Good many families? A Yes, sir.
Q Why don't you remember the names of the other colored people?
A Because the boys I remember them, and part lived in town-
Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)

Q And who else was there? A Bill was blacksmith; Tom Brown.
Q Was it Tom Brown or Bill Brown? A Tom Brown
Q when did they leave there? A I don't know.
Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of twon and a familu lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
Q what makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
Q When was the last time you remember seeing this Sallie Miller?
A Well, I saw when I left Fort Scott.
Q Di you see her the day you left? A No, sir; I didn't see her the day before I left.
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
Q You remember then of seeing her two weeks before you left?
A Yes, might have been two weeks, and maybe longer and not so long.
Q Maybe a year too? (No response.)
Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
Q How do you know she went to Mapleton? A Well, if she left al all.
Q What makes you think that? A That was the talk.
Q How was that? A That is why I found out by talking with her brother.
Q You got a letter? A No, sir, talking with her brother.
Q You are testifying to what her brother told you?
A That is how I found out where she went, if she went off at all.
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
Q what is your age, Mr. Margrave? A My age is -130--about 82; I am away along in the 83 year.
Q where do you live, Mr. Margrave? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Since 1854.
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
Q You know the old lady's name? A Yes, sir; do you mean the mother?
Q Yes, sir; what was her name? A Easter Holt.
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Cumsh, Sallie and Josh.
Q When did you become acquaintedwith the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very w hortly afterwards.
Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
Q Well, now, where is Mose Holt living now, do you know?
A Lives right there by me in Fort Scott.
Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never took no count of; I don't thi nk he has made his home in Fort Scott for the last 13 years, I might not be correct about it.

Q About how long has it been since Tecumseh moved away from there?
Q That maybe all the way fromm five, sir, seven or eight years, not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.
Q Well, did Sallie Holt marry while she wasup there? A Yes, married twice.
Q What was her first husband's name? A Walker he died and then she married a Miller.
Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.
Q Have you seen Sallie Miller, the applicant, since you been down here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I knew her as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in -? A Seven, eight or ten years.
Q Do you know where Aunt Easter Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates-
Q About how long? A I would think it was six or seven years ago.
Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquaint ed with them.
Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.
Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.

MR. MELLETTE: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because-
Q Well, now, where was she in '66? A The family was there, I am satisified they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; one of the family might went away.
Q You can't say that Sallie Miller, or Sallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that tume. One of the family could go off and I would not know anything about that; go off and return again.
Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.
Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 35 years ago A You mean one at the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, one of them? A Walker.
Q Didn't she talke some children back from here the first ti me she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 56.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 33 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.

Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Mose Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not sat, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MELLETTE: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.

Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the Terrtory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTEN, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighten.

Q Where do you live, Mr. Brighten? A Fort Scott, Kansas.

Q How long have you lived in Fort scott, Kansas? A 20 years.
Q Since you have been living at Fort scott, Kansas, have you become acquainted with a family of Colored people by the name of Holt?
A Yes, sir.
Q What membersof the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
Q Did you ever know the mother? A No, sir.
MR. MELLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they reallly,belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:
MR. DAVENPORT: what is your name? A William Sexton.
Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.
Q How long have you lived at Fort scott, Kansas? A I have lived at Fort scott ever since '69.
Q Well, since you came to Fort scott, Kansas, did you get acquai nted with a colored family by the name of Holts? A I did.
Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
Q What was her name? A Her name was Easter Holt.
Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jenni e and Sallie; that's as many as I recollect.
Q Well, did you know Sallie Holt, if she was a grown woman?
A Sallie she was a woman when I got acquainted with her.
Q Josh, was he grown when you got acquainted with him?
A No, sir, he was a young man.
Q Would you know Sallie Holt if you would see her now?
A Yes, sir.
Q I wish you would look back through the audience and see if you see her? A Yes, sir.
Q You recognize her as being the same woman, Sallie Holt, you knew?
A Same woman.
Q Did she marry while she wasliving up at Fort Scott? A She was married when I got acquainted with her.
Q Do you know what her husband name was? A Her husband's name was Walker.
Q Do you know whether Walker is living or dead? A He died.
Q Well, did she marry again? A She did.
Q Do you know who she married? A She married a man by the name o. Miller.
Q Do you know his first name? A Stepney.
Q What was his business? A He was a Shoemaker up there.
Q You knew Josh too up there did you? A Yes, sir,
Q And Tecumseh? A Tecumseh.
Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
Q Do you know whether or not there was a girl by the name of Bettie?
A I wouldn't be positive but it appears to me there was.
Q Were they living in Fort scott when you went there in '69, Mr. Sexton? A Yes, sir.
Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Moses is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen hdm there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas Ci ty or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this October 15th, 1901.

Commissioner.

Commissioner.

Subscribed and sworn to before me this 20 day of April 1920.

File with C.F. D-362, James A. Hicks.

SUPPLEMENTAL: C.F. D-296, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 9, 1901.

In the matter of the application of Kate Ridge for enrollment as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:
Mr. Mellette, of Mellette & Smith, attorneys for appl't.
Mr. L.E. Bell, of attorneys for Cherokee Nation,
and Mr. W.W. Hastings, of attorneys for Cherokee Nation.

W.H. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war begun? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q How when did you return to the Cherokee Nation after the close of the war? A In '66.
Q Where did you come to? A Come to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war begun, or how come you to go on thatplace? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then-? A Until the fallof 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Katie Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with whatis known as the old Washbourn place at that time? A Yes sir.
Q Was there any Freedmen living on that place by that name? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston ~~re~~occupy that place after you bought it from him or did he ever? A He went right on the place when we left it

in '68.
Q Where did he move from to that place? A He moved from Mayesville Arkansas.
Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.
Q Now do you know anything about where Dr. Polston was in the early part of '66, or where he come from when you saw him and your father bought the place? A He came from Arkansas.
Q He was a white man was he? A Yes sir.
Q Do you know when the,- no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.
Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.
Q After that was there any Freedmen lived on the Washbourn place that you knewoff? A Not that I had any knowledge of.
Q But you moved away from that place in '68? A Yes sir.
BY MR. MELLETTE:
Q How old are you, Mr. Wood? A 48 years old last July, sir.
Q You must have been about 13 years old then in 1866, that right?
A Yes sir, going on 14 I think.
Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.
Q You were quite a young boy at that time? A Yes sir.
Q Do you remember well everything that took place in those days?
A Yes sir, I do.
Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy
Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.
Q What place are you talking about as the one that colored people did not live on? A On the Polston place.
Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.
Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.
Q How many Polston places were there in that country? A Just the one.
Q How do you know? A I lived there.
Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.
Q Where did you go during the war? A I went to the Choctaw Nation.
Q When did you return? A In '65.
Q What time in '65? A Spring.
Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.
Q Do you know Herman or Hiram Ridge? A No sir.
Q You don't know where he lived before the war then? A No sir.
BY COM'R NEEDLES:
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your occupation? A I am farming and selling goods.
BY MR. BELL:
Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.
Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blevins' place,
Q And then moved down into the Cherokee nation in '66? A Yes sir.

MRS. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. SELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claiming right as a Cherokee citizen under the 9th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Enecus Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was your brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died before I went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yessir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. MEREDITH:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Did he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until in58 did you?

A No sir

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you ~~claim~~ became a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
Q How long did you live there? A A year and four months, that was as long as he lived.
Q That was up just about the beginning of the war? A Well I left lived there until '59. I left there in the fall of '59.
Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
Q No. that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.
Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri, - I saw her husband.
Q Oh, you just saw her husband? A Yes sir.
Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.
Q But you didn't see Katie at all? A No, I didn't see her; I didn't see any of his family at that time.
Q When did you see Katie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, - was horseback and not the wagon: I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Tell that gentleman your name, your age and post-office? A Grove is my post-office: my name is John R. Shields; my age is 55.
Q Are you a citizen of the Cherokee Nation? A I guess not.
Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through: we are one of these that got behind. I am not a citizen of course at all
Q You are a white man, not an Indian? A Yes sir.
Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee Nation and Missouri.
Q Were you living 2 miles north of South west City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.
Q Who was the first man that went there? A Alex Strothers and J.P. Lamfance were the first men to put up stores.
Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Strothers I think the post-office was handled.
Q Well the post-office was there in the store? A Yes sir.

Q What was the place called then? A Honey Creek.
Q How long did it retain that name of Honey Creek, or when did it change back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.
Q Was that in one or two or three years? A Well yes, three years perhaps, somewheres along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town was started a little.
MR. MELLETTE: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:
BY MR. BELL:
Q Give me your name, age and post-office? A My name is James M. Bell, aged 69, post-office Needmore, or Vinita, either one.
Q You are a citizen of the Cherokee nation are you? A Yes sir.
Q How long have you lived in this Cherokee nation? A Well with the exception if a few intervals I have been here since '39.
Q Well you have been here 40 years or more? A Yes sir.
Q Were you acquainted with John Ridge's family? A Yes sir.
Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.
Q Where did he live then? A He lived on Honey Creek, in Delaware District.
Q Did he leave a family? A Yes.
Q Name what they were if you can do it? A ~~xx xxx xx~~ His first child was not of sound mind, a girl, Rolen Ridge was the next, Herman, Eneous, Andrew, Susan Washbourn, Flora Pol tom, constituted the family.
Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee Nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.
Q What became of them? A They moved to Benton County, Arkansas.
Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.
Q That in Benton County? A In Benton County.
Q Then you say they afterwards move. to Feyetteville? A Yes sir.
Q Where is Fayetteville? A In Washington County, Arkansas.
Q You were acquainted with Herman Ridge were you? A Yes sir.
Q How old a man was he at the time of his death, if you know?
He was between 25 and 30; he was 25 I reckon; between that and 30.
Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee Nation.
Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.
Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.
Q He was with his mother where? A In Benton County, Arkansas.
Q When did he join the army? A He joined in '62.
Q ~~Xxxxx~~ Well did he come from Arkansas to do that? A Yes.
Q Do you know of his ever having a farm, location or home or habitation in the Cherokee Nation after his father was killed and his family moved out of the country? A Never did.
Q You were intimately acquainted with the family were you? A Yes sir.
Q They were closely related to you were they? A Yes sir.
Q By blood, friendship, social matters or what? A It is my uncer-

standing that they are related by blood, but what degree I don't know. But the family were intimately acquainted.

BY MR. KELLEHAD:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stilwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q In the Cherokee Nation? A Yes sir.

Q Did they keep up their farm after they went to Benton County, did they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of reclaiming the old place I guess, and living there.

Q You were there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, who lived in Fayetteville County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she have them go from that farm over to her house at Fayetteville? A She might have done so, but I knew nothing of that.

[illegible] being sworn by Commissioner Needles, testified as follows:

BY COMMISSIONER:

Q What is your name? A L. Bell, 62 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Habersham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1843 when the whole world was flooded, I just have recollection of moving out of there, '43 or '44.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place. St. Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q Now who lived there, occupied it? A Old Peter,-the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and runoff and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his that he had there, remained on the place 5 or 6 years, then it passed into the hands of Dr. Johnson, who married Flora, the youngest girl of John Ridge's family. They lived there until '61 probably lived there 3 or

or 4 years.
Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.
Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.
Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he come and joined our command, that is the confederate Army, General Watie was a kinsman of his and he joined the ~~xx~~ regiment that he was raising, and I think he was killed in '63, or maybe '62.
Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there,- his wife died in about 1868; his heirs own it yet.
BY MR. MELLETTE:
Q You are chief counsel for the Cherokee Nation in the conduct of the e Freedmen cases are you? A Yes sir, supposed to be.
MR. MELLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:
BY MR. BELL:
Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.
BY MR. MELLETTE:
Q Did she return to the Cherokee Nation at any time ~~that you~~ there while you were there? A Notthat I know of.
Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.
Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.
Q The Washbourns? A Yes sir.
Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.
Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.
Q And did she live after the war-? A At ~~xxxxxxxxx~~ Fayetteville?
Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.
Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.
Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.
Q Married to Washbourn? A Yes sir.
Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.
Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.
Q Polston married Herman Ridge's sister? A Yes sir.
Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.
Q Where was Polston living when you went into the Ridge family in '58? A He was at Fayetteville.
Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.
Q He did move back into here as a citizen after the war? A Yessir.
Q I will ask you if they were not temporarily outside of the Cherokee Nation because it was unsafe for them to live in the Cher-

okee Nation? A Well I don't know; I know they were living there and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know what legal steps were taken by these people, Washbourns ~~and~~ or Polstons to re-establish their citizenship? A No sir.

COMMISSIONER MEADLES: The testimony will be filed in Katie Ridge, Cherokee Freedman D 295, and D365 and D 586, and D 589 and D 300, D 360, D 361, D 362 and D 358.

(Copies of this testimony have also been made for C.F.D-676,D638,D647,D691,D694 and D636.-Stenog.)

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

7A0362

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jas. A. Hicks, D 362;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

A. P. C.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Katie Ridge, et al., as Cherokee Freedmen, consolidating the applications of:

Katie Ridge,	Cherokee	Freedmen	D 295
Cornelius Ridge, et al.,	"	"	D 586
Phoebe Johnson, et al.,	"	"	D 589
Henry C. Ridge,	"	"	D 636
Ida Jones, et al.,	"	"	D 647
Ary Lynch,	"	"	R 70
Elnora Vann,	"	"	R 113
Maud Riley, et al.,	"	"	D 591
Rosa Vann, et al.,	"	"	D 594
William Townsend,	"	"	D 636
Mollie Townsend, et al.,	"	"	D 651.
Dennis Hicks, Jr., et al.,	"	"	D 355
Joshua Holt, et al.,	"	"	D 644
Sallie Miller,	"	"	D 648
Mary Johnson,	"	"	D 664
Ruth Vann, et al.,	"	"	D 666
Frank Johnson, et al.,	"	"	D 875.
Eliza Hawkins, et al.,	"	"	D 358
Joseph Hicks, et al.,	"	"	D 360
Katie Hicks,	"	"	D 361
James A. Hicks,	"	"	D 362
Frances Johnson, et al.,	"	"	D 676
Anna Butler, et al.,	"	"	D 979
Howard Bushyhead,	"	"	D 980
Katie Davis,	"	"	D 953
Losee Riley, et al.,	"	"	D 258
Andrew Riley, et al.,	"	"	D 260
Jesse Riley, et al.,	"	"	D 261
Frank Riley, et al.,	"	"	D 262
Jerry Riley, et al.,	"	"	D 263
Fannie Scott, et al.,	"	"	D 266
Delilah Johnson, et al.,	"	"	D 267
Lottie Johnson, et al.,	"	"	D 268
Jane Riley,	"	"	D 600
Daniel Thompson,	"	"	D 606
Dick Ward, et al.,	"	"	D 623
Randy Thompson,	"	"	D 693

Ruth Riley, et al.,	Cherokee Freedmen	D 570
Hannah Riley,	" "	D 569
Charles Landrum,	" "	D 601
Fettie McIntosh,	" "	D 903
William Riley,	" "	D 603
Carrie Gibson,	" "	D 704
Cora J. Wagoner, et al.,	" "	D 57[illegible]
Arthur Riley,	" "	D 571
Elizabeth Felton, et al.,	" "	D 441
Julius Curls,	" "	D 269
Riley Curls, et al.,	" "	D 270
Ophelia Thompson, et al.,	" "	D 271.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself and wife, Laura Ridge (by intermarriage), and minor children, Pearl, Jesse and Myrtle Ridge; by Phoebe (Milton) Johnson for herself and minor children, Joseph, Percy, Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin; thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelias Jones, child of the applicant, Ida Jones; by Charles T. Lynch for, among others, his wife, Amy Lynch (by intermarriage), the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett; thereafter, on April 9, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child, Josephine Vann; by William Townsend for himself; by Mollie Townsend for herself and minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks, Sr., for himself (by intermarriage), and wife, Mettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beeson, and minor children, Jessie Willard, Clifford and Maucelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett for

herself and minor children, Martha and Lillie Chinnett; subsequent to filing her application herein and prior to September 1, 1902, the applicant, Ruth Chinnett, was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Lucila Johnson, child of the applicant, Frank Johnson; by Eliza Hawkins for herself and minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson; by Anna Butler for herself and minor child, Esther Owen; by Anna Butler for her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and minor child, Nathaniel Riley; by Jesse Riley for himself and minor children, Joseph, Ollie, Viola, Mabel, Elnora, Ideller and Luther D. Riley; by Frank Riley for himself and minor children, Lottie, Fannie, James, Ralph, Arizona and Inola Riley; thereafter, on June 12, 1902, there was filed with the Commission an affidavit showing the birth, on November 30, 1901, of Earl E. Riley, child of the applicant, Frank Riley, and on June 26, 1902, there was filed with the Commission an affidavit showing the birth, on December 31, 1901, of Clarence Riley, an illegitimate child of the applicant, Lottie Riley; by Jerry Riley for himself and minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and minor children, Charles Wesley Miller, and Bessie and Jimmie Scott; by Delilah Johnson for herself and minor children, Allie, Luman, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and minor children, Rebecca, Luford, Wilbert and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward for himself and wife, Amanda Ward, and minor children, Henrietta, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself; thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on January 22, 1902, of Lenora Odine Riley, child of the applicant, Ruth Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Nettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself; thereafter, on October 3, 1901, there was filed with the Commission an affidavit showing the birth, on August 24, 1901, of Oval Wagoner, child of the applicant, Cora J. Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and minor child, Elnora Melton; by Julius Curls for himself; by Riley Curls for himself and minor children, Willie, Edward, James, George, Stephenia and Clarence Curls; thereafter, on July 1, 1902, there was filed with the Commission an

affidavit showing the birth, on February 13, 1902, of Beattrice Curls, child of the applicant, Riley Curls; and by Ophelia Thompson for herself and minor children, Alpha, Libbie, Hirschel, Harvey and Clyde Thompson.

Copies of the following testimony, decisions, and Departmental letters are filed herewith and made a part of the record in this case: Its decision rendered by the Commission on March 5, 1904, and Departmental letter of May 17, 1904 (I.T.D. 3470-04), in the case of Ed Vann, C.F. D. 560; its decisions rendered by the Commission on July 10, 1903, and June 23, 1904, and of Departmental letters of May 11, and November 12, 1904 (I.T.D. 2412, 2594-04), in the cases of Jesse Vann et al., C.F.D. 254 (R 302), and Emma Purtle C.F.D 265; its decisions rendered by the Commission on March 5, and April 20, 1904, and of Departmental letters of June 2, 23, and 25, 1904 (I.T.D. 4386, 5028-5034-04), in the cases of Esther Holt, C.F.D. 645 (R 443), Tecumseh Holt, C.F.D. 653 (R 399), William Holt, C.F.D. 694 (R 398), and Moses Holt, C. F. R. 185; its decision rendered by the Commission on March 5, 1904, and Departmental letter of June 21, 1904 (I.T.D. 4734-04); in the consolidated case of Katie Thornton et al., C.F.D. 578 et al., (R. 410-R 411-R 412-R 413-R 414); of the testimony taken at Chelsea, Indian Territory, June 8, 1901, its decision rendered by the Commission on April 20, 1904, and of Departmental letter of October 31, 1904, (I.T.D. 8138-04), in the consolidated case of Katie Blackwell, et al., including, among others, the application of Mary Riley, C.F.D. 624; of its decision rendered by the Commission on November 23, 1904, in the consolidated case of Andrew T. Watie, C.F.D. 502, et al., and of the testimony taken at different times and places in the cases of Edward Derrick, C.F.D. 818, Aaron Webber C.F.D. 216, Elizabeth Meigs, et al., C.F.D. 391, Samuel Beck, et al., C.F.D. 775, David Johnson, C. F. D. 356, Abraham Ward, C.F.D. 607 (R 283), and of Peter Ward, C.F.D. 613, R 282).

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge, and one Mary Ridge (later Hicks, former wife of Dennis Hicks Sr., D 355, infra.), both deceased; that the said applicants and the said Jesse and Mary Ridge, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicants, Laura Ridge and Ary Lynch, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicant Cornelius Ridge and to the said Jesse Ridge, deceased; that the applicants, Pearl, Jesse, Myrtle and Henry C. Ridge, and Ida Jones, are children of the said

applicants, Cornelius and Laura Ridge, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents; that the applicants, Joseph, Percy, Herbert, Serena and Pearl Milton, Maud Riley, Rosa Vann, and William Townsend, are children of the applicant Phoebe Johnson, were born since 1880, and possess no rights to enrollment other than as descendants of their said mother; that the applicants, Lee, Eddie, and Stella Martin and Cornelias Jones, are children of the applicant Ida Jones, were born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said applicants Lee, Eddie and Stella Martin, possess any rights to enrollment other than as descendants of their said mother, and the applicant Cornelias Jones, possesses no rights to enrollment other than as his mother's descendants; that the applicant Elnora Vann, is a child of the applicant Ary Lynch, and the said Jesse Ridge, deceased, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said parents; that the applicant Jesse Barnett, is a child of the applicant Maud Riley, was born since 1880, and, after ample opportunity afforded, it is not established by satisfactory evidence that the said Jesse Barnett possesses any rights to enrollment other than as a descendant of his said mother, and that the applicant John C. Riley, is a child of the said applicant Maud Riley, and one William Riley, (Said William Riley's rights to enrollment are considered below, C. F. D. 303), was born since 1880, and possesses no rights to enrollment other than as a descendant of his said parents; that the applicant Josephine Vann, is a child of the said applicant Rosa Vann, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said mother. (In C.F.D. 660, the Commission found that one Ed Vann, father of the said applicant Josephine Vann, possesses no rights to enrollment as a Cherokee freedman, and on May 17, 1904, Departmental letter I.T.D. 34[illegible]-04, said finding was approved by the Department); that the applicant Mollie Townsend, is a daughter of one Jesse Vann, and one Emma Bertle, was born since 1880, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. [illegible] and 265 the Commission found that the said Jesse Vann and Emma Bertle possess no rights to enrollment as Cherokee freedmen, and on May 11, and November 12, 1904, Departmental letters I.T.D. [illegible]-04, said findings were approved by the Department); and that the applicants, Rosa, George and Arthur Townsend, are children of the said applicants William and Mollie Townsend, were born since 1880, and possess no rights to enrollment other than as descendants of their said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicants, Dennis Hicks Sr., and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than those obtained by virtue of their marriage to the applicants Lettie and Joseph Hicks; that the applicants Lettie Hicks, Joshua Hicks

and Sallie Miller, (children of One Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Nettie Downing, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the Whitmire decree, supra., for the return of freedmen to the Cherokee Nation; that the applicants, Leroy, Dennis Jr., Delana, Mabel, and Elmer Hicks, Jane Holt, Laura and Willa Beeson, Jessie, Willard, Clifford and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Lillie Chinnett, Frank and Luella Johnson (In C.F.D. 855 the Commission found that one Charlotte Beck, mother of the applicant, Luella Johnson, possesses no rights to enrollment as a Cherokee freedman, and on July 21, 1904, its finding was approved by the Department), Elize and Tyndie E. Hawkins, Joseph, Otto A., Katie and James A. Hicks, Frances, Nettie, Katie, Clarence and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, were born since the commencement of the rebellion, are descendants of the said applicants, Dennis Hicks Sr., Bettie and Susie Hicks, Joshua Holt and Sallie Miller, and of Anderson Johnson, deceased, Buck Bushyhead, deceased, Nettie Downing, deceased, and Mary Ridge, deceased, (In re Mary Ridge see preceding paragraph), and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

THE EVIDENCE FURTHER SHOWS: That one Riley McNair and one Maria McNair, both deceased, were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lottie Johnson, and of Millie McNair, deceased; that the said Riley, Maria and Millie McNair, all deceased, and the said applicants, Moses, Andrew, Jesse and Jerry Riley, Fannie Scott and Lottie Johnson, and the applicants, Jane Riley, Daniel Thompson, Elick and Amanda Ward and Sandy Thompson, and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree, for the return of Cherokee freedmen to said Nation; that the applicant, Ruth Riley is a daughter of Henry Thornton, deceased, and Katie Thornton, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said parents; (In C.F.D. 579, 580 and 581, the Commission found that the said Katie Thornton and one Maggie Curls and one Joseph Thornton, full sister and brother of the said applicant, Ruth Riley, possess no rights to enrollment as Cherokee freedmen, and on June 21, 1904, its finding was approved by the Department); that the applicant, Hannah Riley, was born prior to the commencement of the rebellion, and was the slave of a non-citizen of the Cherokee Nation at the commencement of the rebellion; and that the applicants, Lillie

Nathanial, Joseph, Ollie, Viola, Mabel, Elnora, Ideller, Luther D., Frank, Lottie, Fannie, James, Ralph, Arizona, Inola, Earl E., Clarence (In C. F. D. 624, the Commission found that one Mary Riley, wife of the applicant Frank Riley, and mother of the applicants, Lottie, Fannie, James, Ralph, Arizona, Inola and Earl E. Riley, and grandmother of the applicant, Clarence Riley, possesses no rights to enrollment as a Cherokee freedman, and on October 31, 1904, its finding was approved by the Department), Samuel, Jane E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley, Charles Wesley Miller, Bessie and Jimmie Scott, Delilah, Allie, Luman, Jesse, Alfred, Nola, Della, Ella, Harrison, Rebecca, Ina, Wilbert and Arch Johnson, Henrietta, Irvin, Harry, Roy, Dan, Troy, Jesse and Maine Ward, Lenora Odine Riley, Charles Lanerry, Dottie McIntosh, William Riley, Carrie Gibson, Cora J., and Ovel Wagoner, Arthur Riley, Elizabeth and Elnora Melton, Julius, Riley, Willie, Edward, James, George, Stephenia and Beattrice Curls, (One Nancy Curls, C.F.D. 429, who was denied enrollment by the Commission is the mother of the six last mentioned applicants), Ophelia, Alpha, Libbie, Hirschel, Harvey, and Clyde Thompson, were born since the commencement of the rebellion, are descendants of the said applicants, Moses, Andrew, Jesse, Jerry, Jane, Ruth and Hannah Riley, Fannie Scott, Lottie Johnson, Daniel and Sandy Thompson, and Elick and Amanda Ward, and of the said Riley McNair, deceased, Maria McNair, deceased, and Millie McNair, deceased, Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, and possess no rights to enrollment other than as such descendants.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any of the said applicants herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

THE EVIDENCE HEREIN FURTHER SHOWS: That the applicants Ethel Townsend and Clarence Curls, died prior to September 1, 1902. Affidavits to that effect are filed herewith and made a part of the record herein.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The applicants, Katie and Cornelius Ridge and Phoebe Johnson, testify that they, together with Mary and Jesse Ridge,

both deceased, returned to the Cherokee Nation in 1866, remained a few months, and then removed to Joplin, Missouri, where they resided for a number of years. That they returned to the Cherokee Nation in 1866 is controverted by the testimony of witnesses who were in a position to know the matters of which they testify. In view of the fact that the burden of proof is on the applicants, and they must show by satisfactory evidence that their rights to enrollment are perfect, it is considered that these applicants have wholly failed in this, and that their applications come within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Moses Ross (I.T.D. 6056-04); and, granting that said above named parties did return to the Cherokee Nation in 1866, as contended, it is further considered that they did not establish such a residence in said Nation as was contemplated by the treaty of 1866, and are, therefore, within the rulings of the Department in the cases of Martha Gales and Susan Brown (I.T.D. 1850-04), and Thomas Mayfield et al. (I.T.D. 6966-04).

The testimony in re return to the Cherokee Nation, after the rebellion, of the applicants, Bettie Hicks, Joshua Holt, and Sallie Miller, and of the said Buck Bushyhead, deceased, and Nettie Downing, deceased, is contradictory in itself, and contradicted by the testimony of witnesses in behalf of the Cherokee Nation, hence, it is unsatisfactory, and the first above mentioned rulings of the Department are considered applicable. In this connection attention is called to the cases of Esther Holt, C.F.D. 645, Tecumseh Holt, C.F.D. 653, William Holt, C.F.D. 694, and Moses Holt, C.F.R. 185, mother and brothers of the three applicants first named in this paragraph. The material facts as established by the evidence in the several cases embracing this family, are practically the same, and the Commission found that the said Esther, Tecumseh, William and Moses Holt, possess no rights to enrollment as Cherokee freedmen, and its findings were duly approved by the Department. Granting that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller, and the said Buck Bushyhead and Nettie Downing, deceased, returned to the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867, they must have remained but a short time, as, by the testimony of the applicants themselves, and that of disinterested witnesses, it is shown that during a period beginning immediately subsequent to the year 1867, they, for a number of years, continuously lived outside the limits of the Indian Territory, consequently, the ruling of the Department in the cases of Martha Gales, Susan Brown and Thomas Mayfield, et al., supra., is also applicable to them.

Sam Webber, Lewis Whitmire, and Daniel and Reuben Sanders, testify that Anderson Johnson returned to the Cherokee Nation with them in the summer of 1866, but for reasons more fully set out below, it is not considered that their testimony is either convincing or satisfactory. That these four witnesses complied with

the treaty stipulations of 1866, there is no doubt. They were admitted to citizenship by the Chambers Court, and are identified on the 1880 roll. Without calling attention to the many cases in which the above named witnesses have been successfully contradicted and repeatedly impeached, it is considered by this office, that, after hearing the testimony of numerous witnesses, interested and disinterested, and after the examination of many exhibits filed and made a part of the record in freedman cases, it can identify each and every member of the party of freedmen known as the Webber-Whitmire-Sanders detachment, or colony, who complied with the treaty stipulations of 1866, and it is fully convinced that Anderson Johnson was not a member of that party. In support of this position attention is called to the fact that the personnel of the above mentioned party was thoroughly gone into by the Chambers Court, in 1878-9, and numerous witnesses, among others, the said Lewis Whitmire, examined on behalf of both parties, and that, too, at a time when the facts must have been fresh in their minds, and no particular advantage was to be had by misrepresenting who were included in said party, with one accord testify as to who composed this colony of freedmen, and the said Anderson Johnson is never named as one of them. By reason of changed conditions, the experience of the former Commission and of this office, in their investigations relative to the personnel of said colony of freedmen, has been somewhat different from that of the Chambers Court, but generally the conclusions reached have been the same. It seems to have been the policy of those witnesses appearing before the Commission, who were members of the above mentioned colony of freedmen, to add to said colony as occasion required, but after an examination of a great number of freedmen cases in which the above named witnesses testified, it cannot be found that they ever included Anderson Johnson as a member of this colony, until they were called upon as witnesses in behalf of his descendants, although they were often asked to, and as often did, name those who returned with them in 1866.

As to the return of Riley McNair, deceased, to the Cherokee Nation after the rebellion: Moses Hardrick, in behalf of the descendants of the said Riley McNair, testifies that, after the rebellion, he and Riley McNair returned to the Cherokee Nation together. In C.F.D. 314, the Commission found that the said Moses Hardrick did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. It was several months after the above indicated trip before Riley McNair moved his wife and family to the Cherokee Nation. One Emma Purtle, daughter of the said Riley and Maria McNair, removed from the Cherokee Nation during, and returned thereto after, the rebellion, with her father's family. In C.F.D. 265, the Commission found that the said Emma Purtle did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department The said Columbus Rogers, deceased, returned to the Cherokee Nation after the rebellion, with the said McNairRiley family.

The applicant, Jane Riley, testifies that she returned to the Cherokee Nation in 1866, and is corroborated by her witness, Jack Landrum. No credit can be given the testimony of the said Jack Landrum, as he has been repeatedly contradicted and impeached, (See, in particular, C. F. D. 498-D 664 and D 863). In C. F. D. 578 (R 410), he swore, point blank, that Katie Thornton, applicant therein, and her husband, Henry Thornton, deceased, returned to the Cherokee Nation during the winter of 1866, and that he hauled logs to help build their house. In this case it was conclusively shown by the testimony of disinterested witnesses, that the said Katie and Henry Thornton did not leave Garnett, Kansas, after the rebellion, prior to March 1, 1871, and on this testimony the Commission denied the applicant, Katie Thornton, the right to enrollment, and its action was duly approved by the Department. Attention is further called to the fact that the said applicant, Jane Riley, and one Ben Landrum, deceased, are the parents of the applicants Charles Landrum and Bettie McIntosh, and that the said two last named applicants were born in 186[illegible] and 186[illegible], respectively. It is shown by the testimony of several disinterested witnesses, and a certified copy of the record of certain proceedings had before the District Court of Woodson County, Kansas, that the said Ben Landrum, continuously lived near Garnett, Kansas, during the years 1866, '67 and '68.

The applicant Daniel Thompson, testifies that on his return to the Cherokee Nation after the rebellion, he found his son, Andrew Watie, at Fort Gibson. In C. F. D. 502, the Commission found that the said Andrew Watie did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree. The applicants Sandy Thompson and Amanda Ward, returned with their father, the said Daniel Thompson.

In connection with those applicants herein who claim through Jess Ridge, deceased, and the applicants, Cornelius Ridge, Henry Ridge, Daniel Thompson, and Robert Foster, attention is called to the fact that the Commission on Cherokee Citizenship of 1878-9, decided that the said Jess Ridge, since deceased, and the four applicants last above named, were not entitled to Cherokee citizenship, a certified copy of the proceedings of said Commission in re above named parties, being filed herewith and made a part of the record herein.

The applicant, Elick Ward, swears that he was raised by one Peter Ward, and after the rebellion returned to the Cherokee Nation with the said Peter Ward and one Abraham Ward. In C. F. D. 613 (R 282), and D 607 (R 283), the Commission found that the said Peter and Abraham Ward did not return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree, and on April 29, 1904, its findings were approved by the Department.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the case of Lemuel Welcome (I. T. D. 5843, 11776-04), under the provisions of the Act of Congress approved June 26, 1896 (30 Stat., 495), Laura Ridge, Ky Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment

as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that under the provisions of Section Twenty-one of the Act last above noted Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, and Stella Martin, Cornelias Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William Townsend, Mollie Townsend, Rosa Townsend, George Townsend, and Arthur Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Hold, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle T. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley, and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott, and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Elick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley, and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beatrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson Harvey Thompson and Clyde Thompson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

AND IT IS FURTHER ORDERED AND ADJUDGED: That the applications for the enrollment of Ethel Townsend and Clarence Curls, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

(Signed) Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this Oct. 13, 1905.

(COPY)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as Cherokee Freedmen of Katie Ridge, et al., consolidating the applications of:

Katie Ridge,	Cherokee Freedmen	D	295
Cornelius Ridge et al.	Cherokee Freedmen	D	586
Phoebe Johnson, et al.	Cherokee Freedmen	D	589
Henry C. Ridge,	Cherokee Freedmen	D	636
Ida Jones et al.	Cherokee Freedmen	D	647
Ary Lynch,	Cherokee Freedmen	R	70
Elnora Vann,	Cherokee Freedmen	R	113
Maud Riley et al.	Cherokee Freedmen	D	591
Rosa Vann et al.	Cherokee Freedmen	D	594
William Townsend,	Cherokee Freedmen	D	636
Dennis Hicks Sr., et al.	Cherokee Freedmen	D	355
Eliza Hawkins et al.,	Cherokee Freedmen	D	358
Joseph Hicks et al.	Cherokee Freedmen	D	360
Katie Hicks,	Cherokee Freedmen	D	361
James A. Hicks,	Cherokee Freedmen	D	362
Joshua Holt, et al.	Cherokee Freedmen	D	644
Mary Johnson,	Cherokee Freedmen	D	864
Ruth Vann et al.	Cherokee Freedmen	D	866
Frank Johnson et al.	Cherokee Freedmen	D	875
Frances Johnson et al.	Cherokee Freedmen	D	876.

D E C I S I O N.

THE RECORD OF THIS OFFICE SHOWS: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Katie Ridge for herself; by Cornelius Ridge for himself, and children, Pearl, Jesse and Myrtle Ridge, and his wife, Laura Ridge as a citizen by intermarriage; by Phoebe Johnson for herself and minor children, Joseph, Percy,

Herbert, Serena and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and minor children, Lee, Eddie and Stella Martin. Thereafter, on June 27, 1902, there was filed with the Commission an affidavit showing the birth, on June 3, 1902, of Cornelius Jones, child of the applicant, Ida Jones; by Charles J. Lynch for, among others, his wife, Ary Lynch, as a citizen by intermarriage. The others included in said application have been heretofore disposed of, and their rights to enrollment will not be consider d in this decision; by Walter Vann for, among others, his wife, Elnora Vann; the others included in said application have been otherwise disposed of and their rights to enrollment will not be considered in this decision; by Maud Riley for herself and minor child, Jesse Barnett. Thereafter, on April 8, 1902, there was filed with the Commission an affidavit showing the birth, on October 26, 1901, of John C. Riley, child of the applicant, Maud Riley; by Rosa Vann for herself and minor child Josephine Vann; by William Townsend for himself; by Dennis Hicks Sr., for himself, by intermarriage, and his wife, Hettie Hicks and minor children, Leroy, Dennis Jr., Delana, Mabel and Elmer Hicks; by Eliza Hawkins for herself and minor child, Tyndle S. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage), and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Joshua Holt for himself and wife, Jane Holt, and minor stepchildren, Laura and Ella Beason, and minor children, Jessie, Willard, Clifford and Vaucelia (Marcelia) Holt; by Mary Johnson for herself; by Ruth Chinnett for herself and minor children, Martha, and Lillie Chinnett, subsequent to filing her application herein and prior to September 1, 1902, the applicant Ruth Chinnett was married to one George Vann, and she will now be listed for enrollment as Ruth Vann; by Frank Johnson for himself. Thereafter, on July 1, 1902, there was filed with the Commission an affidavit showing the birth, on February 7, 1902, of Luella Johnson, child of the applicant Frank Johnson; and by Frances Johnson for herself and minor children, Nettie, Katie, Clarence and Wilda Johnson.

The records of this office further show that on October 13, 1907, the Commissioner to the Five Civilized Tribes rendered his decision herein, denying, among others, all of said applicants the right to enrollment as Cherokee freedmen and citizens by intermarriage of the Cherokee Nation, which decision was duly forwarded to the Department, and that, thereafter, on July 9, 1908 (I.T.D. 1754-1908), motions having been filed with the Department for a rehearing of this case, the same was remanded to the Commissioner for rehearing and readjudication, the Department stating that it "considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which it is alleged they returned to the Indian Territory, under Article 5 of the treaty of 1866."

In accordance with this direction the Commissioner consolidated the following cases, and further proceedings were had therein at Muskogee, Indian Territory, December 14, 1908; Katie Ridge, D 295; Cornelius Ridge et al. D 636; Phoebe Johnson et al. D 580; Henry C. Ridge D 639; Ida Jones et al. D 647; Ary Lynch R 70; Elnora Vann R 113; Maud Riley et al. D 591; Rosa Vann et al. D 594; William Townsend D 636; Leroy Hicks et al. D 358; Eliza Hawkins et al. D 358; Joseph Hicks et al. D 360; Katie Hicks D 361 and James A. Hicks D 362.

Although the principal applicants included herein other than the applicants in the above mentioned consolidated case, and their attorneys, have several times been notified by letter and in person, of the Department's action in remanding their cases for rehearing, and to submit such evidence as they desired to present in their behalf, they have failed to do so. Their rights to enrollment as Cherokee freedmen will therefore be adjudicated in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Katie Ridge, is the mother of the applicants Cornelius Ridge and Phoebe Johnson, and of one Jesse Ridge and one Mary Ridge, both deceased; that the said applicants and the said Jesse and Mary Ridge deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion and did not return thereto and establish an actual, personal, bona fide residence therein as provided by Section three of the Act of Congress approved April 26, 1866 (14 Stat. 137); that the applicants Laura Ridge and Ary Lynch and Susie Hicks, neither claim nor possess any rights to enrollment as Cherokee freedmen other than by reason of their marriage to the applicant Cornelius Ridge and the said Jesse Ridge deceased, and the applicant Joseph Hicks; that the applicants Pearl, Jesse and Myrtle Ridge and Joseph, Percy Herbert, Serena, and Pearl Milton, Henry C. Ridge, Ida and Cornelias Jones, Elnora Vann, Maud Riley, Rosa Vann, Josephine Vann (In C. W. D. 180 the Commission found that one Eli Vann, father of the said applicant Josephine Vann, possesses no right to enrollment as a Cherokee freedman, and on May 7, 1904-I.T.D. 347 -1904- said finding was approved by the Department), William Townsend, Leroy, Dennis Jr., Melana, Mabel and Elmer Hicks, (their father, Dennis Hicks, case D 300 infra.) Eliza and Tyndle E. Hawkins Joseph, Otto A., Katie and James A. Hicks, were born since 1866 and possess no right to enrollment as Cherokee freedmen except as descendants of the said Katie Ridge, Cornelius Ridge and Phoebe Johnson, and of Jesse Hicks and Mary Ridge (Hicks) deceased.

After ample opportunity afforded the applicants, Mae Addie and Stella Martin and Jesse Barnett, it is not shown by satisfactory evidence that they possess any right to enrollment other than as descendants of their mothers, the said Ida Jones and Maud. The minor applicant John C. Riley is a child of William Riley, whose application for enrollment as a Cherokee freedman was rejected by the Commissioner on February 27, 1907, and the applicant herein, Maud Riley, and possesses no right to enrollment as a Cherokee freedman other than as a descendant of his said parents.

THE EVIDENCE IN THIS CASE FURTHER SHOWS: That the applicant, Dennis Hicks Sr., neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than by virtue of his marriage to the applicant, Nettie Hicks; that the applicants Nettie Hicks, Joshua Holt and Anderson Johnson, deceased, were the slaves of Cherokee citizens at the commencement of the war of the rebellion; were taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time provided by Section three of the Act of Congress approved April 26, 1866; that the applicants Jane Holt, Laura and Ella Beeson, Jessie, Willard, Clifford, and Maucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha and Willie Chinnett, Frank Johnson (In C.W.D. 243 the Commission to the Five Civilized Tribes found, on April 23, 1908, that Rebecca Webber, mother of Frank Johnson, possesses no right to enrollment as a Cherokee freedman and its finding was approved by the Department June 23, 1908-I.T.D. 2712-1046-1908), and Frances

Nettie, Katie, Clarence and Wilda Johnson, were born since the war of the rebellion; are descendants of the applicants Dennis Hicks Sr., Nettie Hicks and Joshua Holt, and of Anderson Johnson deceased, and possess no right to enrollment as Cherokee freedmen other than as such descendants. The applicant Luella Johnson, is a child of the said Frank Johnson and Charlotte Johnson, whose application for enrollment as a Cherokee freedman was denied by the Commission to the Five Civilized Tribes on July 21, 1904 and its action affirmed by the Department September 22, 1904(I.T.D. 7192-[illegible]). No one of the applicants herein nor any ancestor through whom they claim the right to enrollment as Cherokee freedmen, can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS THEREFORE ORDERED AND ADJUDGED: That following the ruling of the Department in the case of Lemuel Welcome (I.T. D. [illegible]-11776-1904), under the provisions of the Act of Congress approved June [illegible], 1906 (34 Stat., [illegible]), Laura Ridge, Mary Lynch, Dennis Hicks Sr., and Susie Hicks, are not entitled to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied; and that, under the provisions of Section Twenty-one of the act last above noted, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Nettie Hicks, Leroy Hicks, Dennis Hicks Jr. Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tandle A. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Pesson, Ella Pesson, Jessie Holt, Willard Holt, Clifford Holt, Caucelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,

this Feb. [illegible] 1907

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. James A. Hicks,
Vinita, I. T.
Cherokee F-D-532.
Register.

Cherokee Freedmen

D-29[illegible], et al.

Muskogee, Indian Territory, October 13, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedmen D-295, et al.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. D-325

Cherokee Freedmen

D-295, et al.

Muskogee, Indian Territory, October 13, 1905

Edgar Smith,

Attorney for Katie Ridge, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting the applications for enrollment as Cherokee freedmen and as citizens by intermarriage of the Cherokee Nation in the consolidated applications of Katie Ridge, et al., Cherokee freedman D-295, et al. You have heretofore been furnished a copy of the record of proceedings had in this case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

(Signed) Tams Bixby

Commissioner.

Incl. S-222

Register

Muskogee, Indian Territory, October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 13, 1905, (I.T.D 2218, 7024-1905), there is herewith transmitted the record of proceedings had in the matter of the consolidated applications for enrollment as Cherokee Freedmen and as citizens by intermarriage of the Cherokee Nation, of Katie Ridge, et al., Cherokee Freedmen D 295, et al., including the decision of the Commissioner to the Five Civilized Tribes dated October 13, 1905, rejecting the applications of Laura Ridge, [illegible] Lynch, Dennis Hicks Sr., and Susie Hicks, as citizens by intermarriage of the Cherokee Nation, and of Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge and Myrtle Ridge, Phoebe (Milton) Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton and Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin and Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett and John C. Riley, Rosa Vann and Josephine Vann, William

Townsend, Mollie Townsend, Rosa Townsend, George Townsend and Arthur Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks Jr., Delana Hicks, Mabel Hicks and Elmer Hicks, Joshua Holt, Jane Holt, Laura Beeson, Ella Beeson, Jessie Holt, Willard Holt, Clifford Holt and Maucelia (Marcelia) Holt, Sallie Miller, Mary Johnson, Ruth Vann, Martha Chinnett and Lillie Chinnett, Frank Johnson and Luella Johnson, Eliza Hawkins and Tyndle E. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Frances Johnson, Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson, Anna Butler, Esther Owen, Howard Bushyhead, Katie Davis, Moses Riley, Lillie Riley, Andrew Riley, Nathanial Riley, Jesse Riley, Joseph Riley, Ollie Riley, Viola Riley, Mabel Riley, Elnora Riley, Ideller Riley, Luther D. Riley, Frank Riley, Lottie Riley, Fannie Riley, James Riley, Ralph Riley, Arizona Riley, Inola Riley, Earl E. Riley, Clarence Riley, Jerry Riley, Samuel Riley, James E. Riley, Amanda Riley, Mariah Riley, Maggie Riley, Calvin Riley, Bertha Riley, Ada Riley and Leona Riley, Fannie Scott, Charles Wesley Miller, Bessie Scott and Jimmie Scott, Delilah Johnson, Allie Johnson, Luman Johnson, Jesse Johnson, Alfred Johnson, Nola Johnson, Della Johnson, Ella Johnson, Harrison Johnson, Lottie

Johnson, Rebecca Johnson, Luford Johnson, Wilbert Johnson and Arch Johnson, Jane Riley, Daniel Thompson, Dick Ward, Amanda Ward, Henrietta Ward, Irvin Ward, Harry Ward, Roy Ward, Dan Ward, Effie Ward, Troy Ward, Jesse Ward and Maine Ward, Sandy Thompson, Ruth Riley, Lenora Odine Riley and Hannah Riley, Charles Landrum, Bettie McIntosh, William Riley, Carrie Gibson, Cora J. Wagoner and Oval Wagoner, Arthur Riley, Elizabeth Melton and Elnora Melton, Julius Curls, Riley Curls, Willie Curls, Edward Curls, James Curls, George Curls, Stephenia Curls and Beattrice Curls, Ophelia Thompson, Alpha Thompson, Libbie Thompson, Hirschel Thompson, Harvey Thompson, and Clyde Thompson, for enrollment as Cherokee Freedmen, and dismissing the applications for enrollment as Cherokee Freedmen of Ethel Townsend and Clarence Curls.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its de-

cision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D. 7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father the said Cornelius Ridge had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman

citizenship, the case of Enoch Daniels, et al., Cherokee Freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. F 16.
LMB

Cherokee Freedmen
D-362

Muskogee, Indian Territory, October 13, 1905.

James A. Hicks,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 13, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl B-90
Register.

--Copy--

LAND: DEPARTMENT OF THE INTERIOR, JFA
OFFICE OF INDIAN AFFAIRS,
83807-91559-1905. WASHINGTON.
91821-91843-1905.
91492-101897-1905. December 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Katie Ridge for herself; by Cornelius Ridge for himself and wife Laura Ridge (by intermarriage) and his minor children, Pearl, Jesse, and Myrtle Ridge; by Phoebe Milton Johnson for herself and her minor children, Joseph, Percy, Herbert, Serena, and Pearl Milton; by Henry C. Ridge for himself; by Ida Jones for herself and her minor children, Lee, Eddie, Stella, and Cornelius Jones; by Charles J. Lynch for his wife, Amy Lynch (by intermarriage) by Walter Vann for his wife, Elnora Vann; by Maud Riley for herself and her minor children, Jesse Barnett and John C. Riley; by Rosa Vann for herself and her minor child, Josephine Vann; by William Townsend forhimself; by Mollie Townsend for herself and her minor children, Rosa, George, Arthur, and Ethel Townsend; by Dennis Hicks for himself (by intermarriage) and wife Bettie Hicks and his minor children, Leroy, Dennis, Jr., Delana, Mabel, and Elmer Hicks; by Joshua Holt for himself and wife,

Jane Holt and minor step-children, Laura and Ella Reeson and minor children, Jessie, Willard, Clifford, and Mancelia (Marcelia) Holt; by Sallie Miller for herself; by Mary Johnson for herself; by Ruth Chinnett and for herself and her minor children, Martha, and Little Chinnett; by Frank Johnson for himself and his minor child, Liella Johnson; by Eliza Hawkins for herself and her minor child, Tyndle E. Hawkins; by Joseph Hicks for himself and wife, Susie Hicks (by intermarriage) and minor child, Otto A. Hicks; by Katie Hicks for herself; by James A. Hicks for himself; by Frances Johnson for herself and her minor children, Nettie, Katie, Clarence, and Wilda Johnson; by Anna Butler for herself and her minor child, Esther Owen, and her adult brother, Howard Bushyhead; by Katie Davis for herself; by Moses Riley for himself and minor child, Lillie Riley; by Andrew Riley for himself and his minor child, Nathaniel Riley; by Jesse Riley for himself and his minor children, Joseph, Ollie, Viola, Mable, Elnora, Ideller, and Luther D. Riley; by Frank Riley for himself and his minor children, Lottie, Fannie, James, Ralph, Arizona, Clarence, Inola and Earl E. Riley; by Jerry Riley for himself and his minor children, Samuel, James E., Amanda, Mariah, Maggie, Calvin, Bertha, Ada and Leona Riley; by Fannie Scott for herself and her minor children, CharlesWesley Miller, and Bessie, and Jimmie Scott; by Delilah Johnson for herself and her minor children, Allie, Lemon, Jesse, Alfred, Nola, Della, Ella and Harrison Johnson; by Lottie Johnson for herself and her minor children, Rebecca, Luford, Wilbert, and Arch Johnson; by Jane Riley for herself; by Daniel Thompson for himself; by Elick Ward

for himself and wife, Amanda Ward, and his minor children, Irvin, Harry, Roy, Dan, Effie, Troy, Jesse, and Maine Ward; by Sandy Thompson for himself; by Ruth Riley for herself, and herminor child, Lenora Odine Riley; by Hannah Riley for herself; by Charles Landrum for himself; by Bettie McIntosh for herself; by William Riley for himself; by Carrie Gibson for herself; by Cora J. Wagoner for herself and her minor child, Oval Wagoner; by Arthur Riley for himself; by Elizabeth Melton for herself and her minor child, Elmora Melton; by Julius Curls for himself; by Riley Curls for himself and his minor children, Willie, Edward, James, George, Stephenia, Clarence, and Beatrice Curls; and by Ophelia Thompson for herself and her minor children, Alpha, Libbie, Herschel, Harvey, and Clyde Thompson.

October 13, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicant, Katie Ridge, is the mother of the applicants, Cornelius Ridge, Phoebe Johnson, Jesse Ridge, deceased, and Mary Ridge (later Hicks, former wife of Dennis Hicks, Sr), deceased; that they were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation, during the War, and did not return thereto on or before February 11, 1867; that the applicants, Laura Ridge, and Amy Lynch neither claim nor possess any rights to enrollment other than those obtained by marriage to the applicants Cornelius Ridge and Jesse Ridge, deceased; that the applicants Dennis Hicks, Sr., and Susie Hicks neither claim nor possess

any rights to enrollment other than by virtue of their marriage to Bettie and Joseph Hicks; that the applicants, Bettie Hicks, Joshua Holt and Sallie Miller (children of one Esther Holt), and Anderson Johnson, deceased, Buck Bushyhead, deceased, and Hettie Downing, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion; were taken out of the Cherokee Nation during the War, and did not return on or before February 11, 1867; that one Riley McNair and one Maria McNair, both deceased were the parents of the applicants, Moses, Andrew, Jesse, Frank and Jerry Riley, Fannie Scott, Delilah and Lettie Johnson, and of Willie McNair, deceased; that the said Riley, Maria, and Willie McNair, all deceased, and Moses, Andrew, Jesse, and Jerry Riley, Fannie Scott and Lettie Johnson, and Jane Riley, Daniel Thompson, Elick andAmanda Ward and Sandy Thompson and Ben Landrum, deceased, Harrison Johnson, deceased, and Columbus Rogers, deceased, were the slaves of Cherokee citizens at the beginning of the War of the Rebellion, were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867; that all the other applicants were born since 1866, are descendants of the foregoing and possess no rights to enrollment except as such descendants, or have failed after ample opportunity afforded to establish such a right. None is identified on the 1880 authenticated Cherokee roll, nor the Cherokee census roll of 1896, nor can an ancestor be so identified.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes transmitting a motion in behalf

of the applicants and three communications from G. P. Fogle enclosing petions in their behalf which have been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

G. P. Larrabee,

Acting Commissioner.

WWM
C

JFJr

DEPARTMENT OF THE INTERIOR, LLB

Washington.

D.C.29336.

I.T.D.17884-1905. July 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905, you transmitted the record, together with your decision of the same date, in the matter of the consolidated applications for enrollment as Cherokee freedmen of Katie Ridge et al. (Cherokee freedmen D. 295). Said decision was adverse to all the applicants.

Reporting December 22, 1905, the Indian Office concurs in your decision. A copy of its letter is inclosed.

The attorneys for the applicants have filed a number of motions and briefs in this case, and the attorney for the Cherokee Nation has filed his answer.

A consideration of these motions, together with the record, leads the Department to the opinion that the case should be remanded for a further hearing.

The Department considers that this consolidated case should be divided, and that if possible the division should divide this large family into groups according to the three places from which

it is alleged they returned to the Indian Territory, under article 9 of the treaty of 1866, being first those persons and their descendants who returned from the neighborhood of Joplin, Mo.; second, those who returned from near Fort Scott, Kans., and third, those who returned from Garnett, Kans.

Having divided this case along the lines indicated, you will permit the attorneys for the applicants and for the nation to submit such proper evidence as they may see fit regarding the rights of these applicants for enrollment as Cherokee freedmen.

The record is returned.

Respectfully,

(Signed) Thos Ryan
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Ridge et al.

Muskogee, Indian Territory, August 6, 1906.

Edgar Smith,

Attorney for Katie Ridge, et al,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman enrollment cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. The Department directs that this consolidated case be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that in accordance with this division, the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

The records of this office show that you are the attorney of record in the following cases;

D 358	Dennis Hicks, et al,
D 648	Sallie Miller,
D 675	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 933	Katie Davis;

that Louis T. Brown is the attorney in the following cases;

D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead;

and that Blue and Bulger are the attorneys for Joshua Holt, et al, D 644.

You are advised that before a date will be set for a hearing in this case, the applicants will be required to furnish this office with a list of the names and addresses of all the witnesses they propose to introduce in their behalf. Upon receipt of this information the attorney for the Cherokee Nation will be notified thereof, and a date set for a hearing in the cases, of which all parties at interest will be advised.

Blue and Bulger, Baxter Springs, Kansas, and Louis T. Brown, Muskogee, Indian Territory, have this day been advised of the Department's action, and of what will be required of the applicants, and before submitting the

list of the names and addresses of the witnesses, it is suggested that you communicate with them and submit at one time a list of all of the witnesses expected to be introduced.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

M.A.

Encl. 6-1.

Commissioner.

Cherokee Freedman
D 295 et al.

Muskogee, Indian Territory, August 4, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedman consolidated cases of Katie Ridge, et al, you are advised that this office is in receipt of Departmental letter of July 9, remanding said cases to this office for rehearing. In accordance with the Department's direction, the following cases will be consolidated:

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

The applicants in these cases and their attorneys have this day been advised of the Department's action and of the consolidation of these cases, and notified that before a date would be fixed for a hearing in the cases,

they will be required to furnish this office with a list of the names and addresses of the witnesses they propose to introduce in their behalf. Upon receipt of this information you will be advised thereof, and a date will be set for a hearing in the cases, of which action all parties at interest will be advised.

For your information there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

Encl. N.A.4-1.

Commissioner.

Cherokee Freedman
D 362

Muskogee, Indian Territory, August 6, 1906.

James A. Hicks,

Vinita, Indian Territory.

Dear Sir:

In connection with your Cherokee freedman case, you are advised that this office is in receipt of Departmental letter of July 9, 1906, remanding the same to this office for a rehearing. The Department directs that the consolidated case of Katie Ridge, et al, which includes your application, be divided according to the places from which it is alleged the applicants returned to the Indian Territory under the Treaty of 1866. You are advised that under this division the following cases will be consolidated.

D 355	Dennis Hicks, et al,
D 644	Joshua Holt, et al,
D 648	Sallie Miller,
D 864	Mary Johnson,
D 866	Ruth Vann, et al,
D 875	Frank Johnson, et al,
D 358	Eliza Hawkins, et al,
D 360	Joseph Hicks, et al,
D 361	Katie Hicks,
D 362	James A. Hicks,
D 676	Frances Johnson, et al,
D 979	Anna Butler, et al,
D 980	Howard Bushyhead,
D 953	Katie Davis.

Your attorney, Edgar Smith, Muskogee, Indian Territory, has this day been advised of the Department's action, and of the consolidation of the above cases, and also requested to advise this office at the earliest practicable date the names and addresses of all the witnesses it is proposed to introduce on behalf of applicants in this case. When this information is furnished, the Attorney for the Cherokee Nation will be advised thereof, and a date will be set for a hearing in the case, of which action all parties at interest will be advised.

Respectfully,

M.A.
Register.

Commissioner.

Cherokee Freed.
D 358-362.

Muskogee, Indian Territory, November 28, 1906.

Starr & Patten,

Attorneys for James A. Hicks, et al.,

Vinita, Indian Territory.

Gentlemen:

Receipt is acknowledged of your letter of November 7, 1906, stating that your clients, James A. Hicks, and Eliza Hawkins, et al., claim the right to enrollment as Cherokee freedmen as descendants of Katie Ridge, whose case is set for hearing December 14, 1906, and asking that the cases of your clients be heard with that of Katie Ridge.

In reply you are advised that at the time the case of Katie Ridge is called for hearing your request to have the cases of James A. Hicks and Eliza Hawkins, et al., heard with it will receive due consideration.

Respectfully,

S.W.

Commissioner.

Cherokee F.D.
362

COPY

Muskogee, Indian Territory, February 28, 1907

James A. Vicks,

Vinita, Indian Territory,

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting among others, the application for your enrollment as a Cherokee freedman. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the recordof proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

SIGNED Tams Bixby.
Commissioner.

1
Inc I-481
RPI
Register.

Cherokee F.D.
295 et al.

Muskogee, Indian Territory, February 28, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application fot the enrollment of Katie Ridge, et al., as citizens by blood of the Cherokee Nation. You have heretofore been furnished with a copy of the record of proceedings had in the case.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc I-37

EPI

Cherokee R.D.
295, et al.

Muskogee, Indian Territory, February 28, 1907.

W. H. Watkins,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Katie Ridge et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Commissioner.

Enc I-35

RPI

Muskogee, Indian Territory, February 28, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Laura Ridge, Ary Lynch, Dennis Hicks, Sr., Susie Hicks, Katie Ridge, Cornelius Ridge, Pearl Ridge, Jesse Ridge, Myrtle Ridge, Phoebe Johnson, Joseph Milton, Percy Milton, Herbert Milton, Serena Milton, Pearl Milton, Henry C. Ridge, Ida Jones, Lee Martin, Eddie Martin, Stella Martin, Cornelius Jones, Elnora Vann, Maud Riley, Jesse Barnett, John C. Riley, Rosa Vann, Josephine Vann, William Townsend, Bettie Hicks, Leroy Hicks, Dennis Hicks, Jr., Delana Hicks, Mabel Hicks, Elmer Hicks, Eliza Hawkins, Tyndle W. Hawkins, Joseph Hicks, Otto A. Hicks, Katie Hicks, James A. Hicks, Joshua Holt, Jane Holt, Laura Beason, Ella Beason, Jessie Holt, Willard Holt, Clifford Holt, Marcelia (Marcelia) Holt, Mary Johnson, Ruth Vann, Martha Chinnett, Lillie Chinnett, Frank Johnson, Luella Johnson, Frances Johnson Nettie Johnson, Katie Johnson, Clarence Johnson and Wilda Johnson as Cherokee freedman, together with the decision of the Commissioner, dated February 23, 1907, rejecting said application.

In connection with the finding of this office relative to the rights of Cornelius Ridge to enrollment as a Cherokee freedman, case No. D 586, the same being included in the consolidated case of Katie Ridge, et al., herewith transmitted, the attention of the Department is invited to the case of Enoch Daniels, et al., Cherokee Freedman No. 1429, formerly Cherokee Freedman D 219, wherein, in its decision rendered on July 5, 1904, the Commission to the Five Civilized Tribes found, inter alia, that one Laura Daniels, nee Ridge, daughter of the said Cornelius Ridge, was entitled to enrollment as a Cherokee Freedman, said finding being concurred in by the Commissioner of Indian Affairs on September 24, 1904 (Land 57605-04), and affirmed by the Department on October 22, 1904 (I.T.D.7724-04), and in conformity thereto said applicant's name was placed upon a schedule of Cherokee Freedmen forwarded to the Department on June 26, 1905, and she is now included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior on July 27, 1905, opposite No. 3907.

The right of this applicant, Laura Daniels, nee Ridge, who was born since 1866, to enrollment as a Cherokee freedman was based upon the theory that her father, the said Cornelius Ridge, had "heretofore been enrolled by this Commission as a Cherokee freedman", which, as the consolidated case herewith transmitted indicates, was error.

Secretary--5

It is, therefore, respectfully recommended that, if the Department affirms the decision of this office as to the rights of the said Cornelius Ridge to Cherokee freedman citizenship, the case of Enoch Daniels, et al., Cherokee freedman 1429, formerly Cherokee Freedman D 219, be reopened, and the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee Freedman citizenship, be reversed.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Enc I-56

R-I

D.C.13395-1907. (C O P Y) J.F.Jr.

DEPARTMENT OF THE INTERIOR, S.P.

WASHINGTON.

I.T.D.8072-1907. March 4, 1907.

L.R.S.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On March 4, 1907 (Land 21941-07), the Indian Office transmitted your report, dated February 28, 1907, relative to proceedings had in the matter of the application for the enrolment of Laura (Katie) Ridge, et al., together with your decision of the same date rejecting the application.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department considers said decision correct and it is hereby affirmed.

In connection herewith you call attention to one Laura Daniels, a party applicant in this case, who appears on a partial roll of Cherokee freedmen opposite No. 3907. You report that she was enrolled and that her enrolment was based on the theory that her father, Cornelius Ridge, who is denied enrolment in the present decision, had "heretofore been enrolled by the Commission as a Cherokee freedman". You state that this is an error and you

recommend that if the Department affirm your decision as to the rights of the said Cornelius Ridge to Cherokee citizenship that the case of Enoch Daniels, et al., be reopened and that the decision therein, in so far as it grants to the said Laura Daniels, nee Ridge, the right to Cherokee freedmanship, be reversed.

In accordance with your recommendation the Department rescinds its decision and reverses your decision in the case of Enoch Daniels in so far as said decisions apply to the enrolment of Laura Daniels, nee Ridge, and her name is canceled from the roll of Cherokee freedmen opposite No. 3907, as of this date.

Your office and the Indian Office are requested to make your records conform to this action.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson

Acting Secretary.

1 inc. and
2 to Ind. Of.

Cherokee F.
D-362

COPY

Muskogee, Indian Territory, March 15, 1907.

James A. Hicks,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 4, 1907.

Respectfully,

SIGNED Tams Bixby.

JMH

Commissioner.

Cherokee V.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

Starr & Patten,

Attorneys for Katie Ridge, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED Tams Bixby.

Commissioner.

Encl.H-5
JMH

Cherokee F.
D-295 et al.

COPY

Muskogee, Indian Territory, March 15, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the applications for the enrollment of Katie Ridge, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

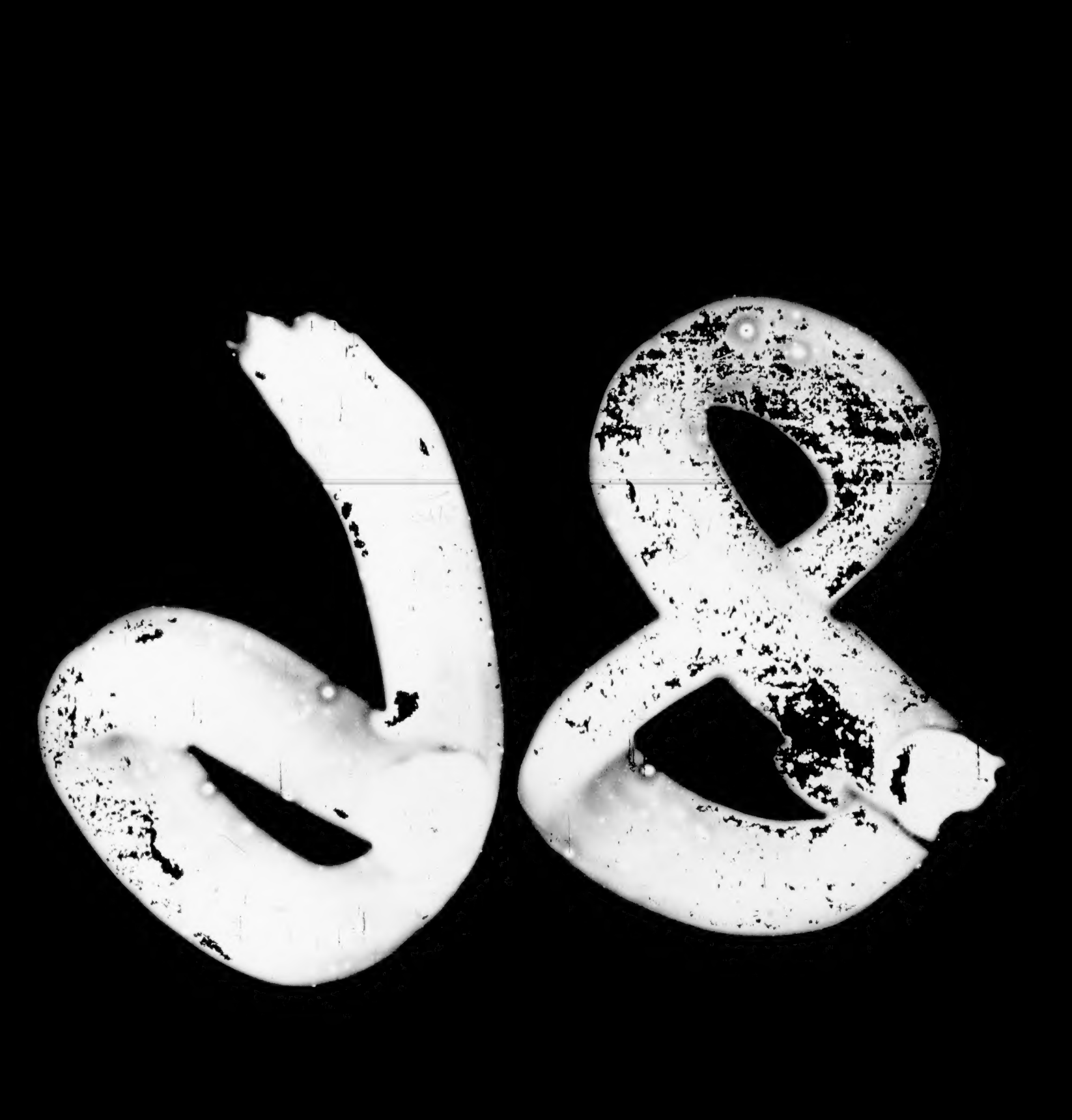
For your information, there is enclosed herewith a copy of Departmental decision referred to.

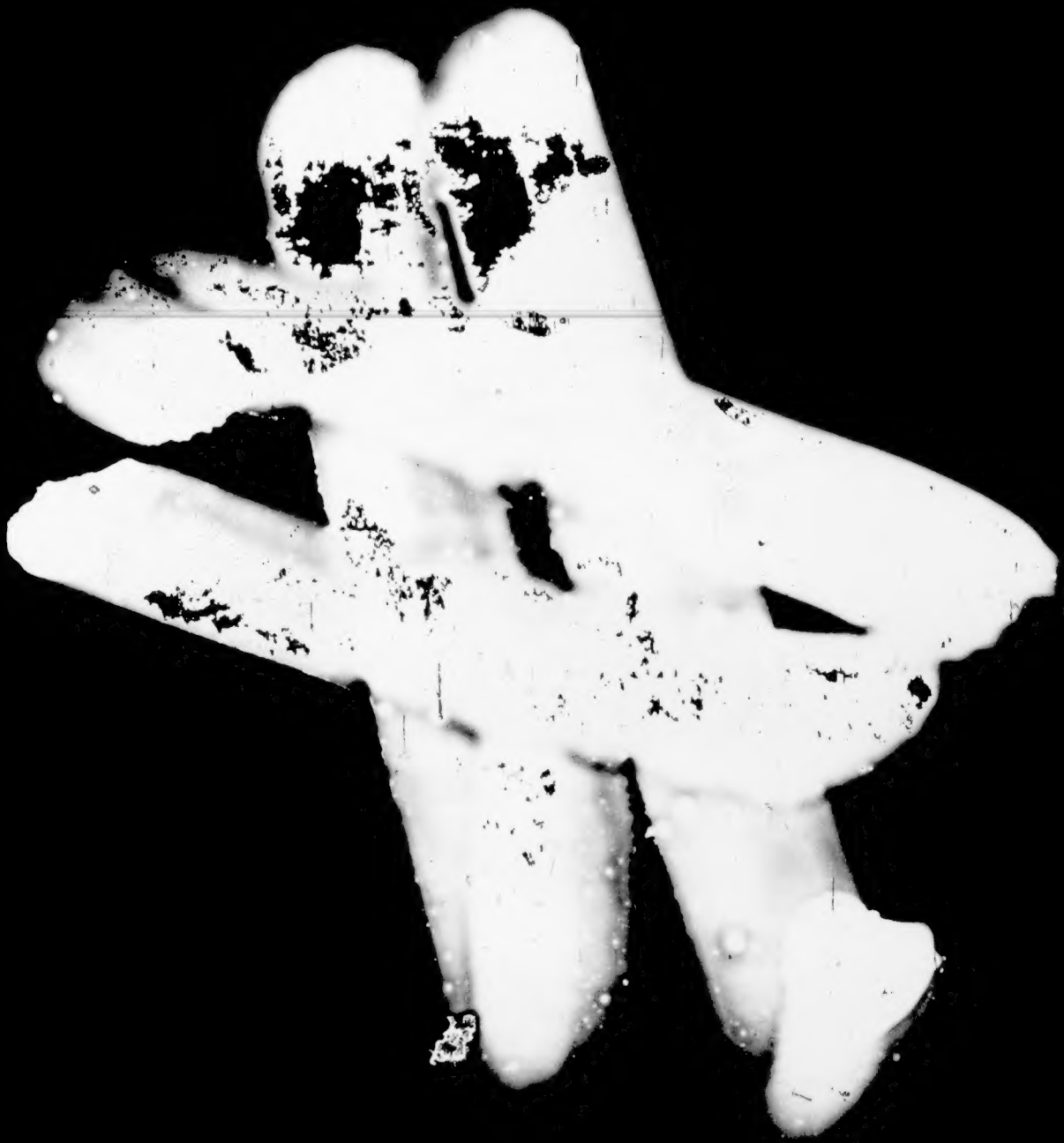
Respectfully,

SIGNED Tams Bixby.
Commissioner.

Encl.H-6
JMH

END
OF
REEL





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